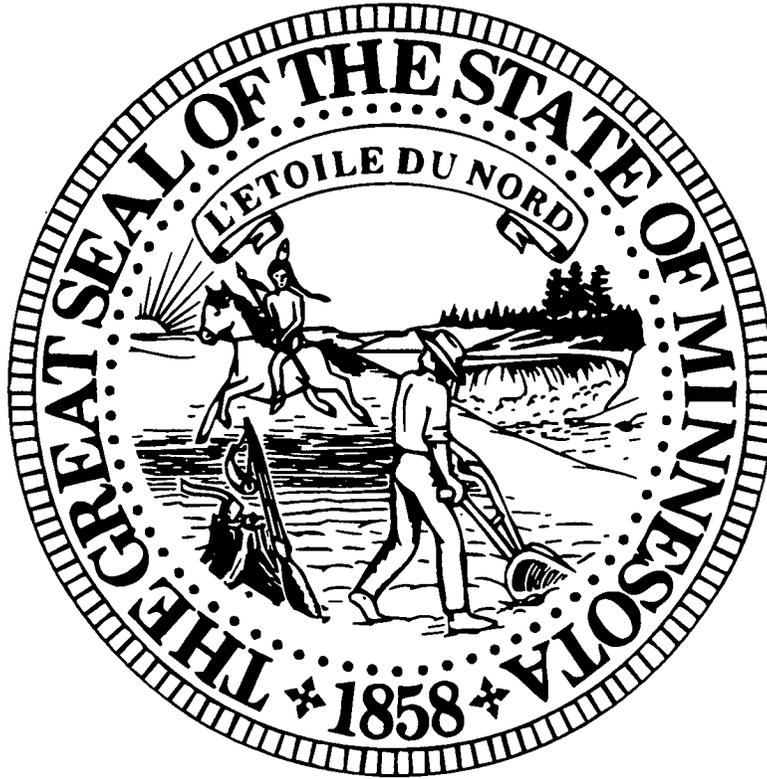


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The Minnesota
**State
Register**

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 2 December 1996
Volume 21, Number 23
Pages 769-824

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 23	Monday 2 December	Monday 18 November	Friday 22 November
# 24	Monday 9 December	Friday 22 November	Monday 2 December
# 25	Monday 16 December	Monday 2 December	Monday 9 December
# 25	Monday 2 December	Monday 9 December	Monday 16 December

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Publication Number: 326630. (ISSN 0146-7751)

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An "Affidavit of Publication" can be obtained at a cost of \$5.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.			

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Agriculture

Proposed Permanent Rules Relating to Dairy Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Rules Governing Dairy Processor Assessment, *Minnesota Rules* 1525.2550.

Introduction. The Minnesota Department of Agriculture intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107: Phone (612) 296-6906, Fax (612) 297-5522.

Subject of Rules and Statutory Authority. The proposed rules are about an increase in the assessments paid by dairy processors. The statutory authority to adopt these rules is *Minnesota Statutes*, section 32.394, subd. 8d. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. January 2, 1997, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 2, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131-14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by the comments and information submitted to the agency, and the adopted rule may not be substantially different than this proposed rule. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules including a description of who will be affected by the proposed amendments/rule and an estimate of the probable cost of the proposed rules.

Adoption and Review of the Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 6 November 1996

Gene Hugoson, Commissioner
Department of Agriculture

1525.2550 FEE.

A manufacturer shall pay a fee to the commissioner of agriculture for fluid milk processed and milk used in the manufacture of fluid milk products, as that term is defined in *Minnesota Statutes*, section 32.391, subdivision 1e, sold for retail in Minnesota. In accordance with *Minnesota Statutes*, section 32.394, subdivision 8d, the fee is eight cents per hundredweight.

Pollution Control Agency

Proposed Permanent Rules Relating to Sewage Sludge

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Repeal of Rules Governing Sewage Sludge Management in Minnesota, *Minnesota Rules* ch. 7040 and the Adoption of New Rules to be Codified at *Minnesota Rules* ch. 7041 governing Sewage Sludge Management in Minnesota

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to repeal its rules governing Sewage Sludge management, *Minnesota Rules* ch. 7040, and to adopt a new rule governing Sewage Sludge Management to be codified at *Minnesota Rules* ch. 7041 without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* § 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

MPCA Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Jorja DuFresne
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 296-9292
1-800-657-3843 (MN Toll Free)
FAX: (612) 297-8683

Subject of Rule and Statutory Authority. The MPCA is proposing to repeal its existing rules governing land application of sewage sludge, *Minnesota Rules* ch. 7040, and replace those rules with new sewage sludge rules to be codified at *Minnesota Rules* ch. 7041. This is the first revision of the rules since they were adopted in April of 1982. The MPCA is also proposing to amend *Minnesota Rules* 7001.0020, 7001.0050, 7001.3050, 7002.0220, 7035.2525 and 7035.2535 to synchronize the changes necessary to bring them up to date with the proposed revisions to the sewage sludge rules. A technical advisory committee which included representatives of the regulated community, engineering consultants, governmental entities and the University of Minnesota has

assisted the MPCA in drafting the new rule. The rule will incorporate new federal regulations for sewage sludge management as found in the *Code of Federal Regulations*, title 40, part 503.

The statutory authority to adopt the rule is *Minnesota Statutes* § 116.07, subd. 4. A copy of the proposed rule is published immediately after this notice.

Comments. You have until 4:30 p.m. on January 2, 1997, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for Rule Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on January 2, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule.

Request to Have MPCA Board Make Decision on Rule. You have the right to submit a request to the MPCA Commissioner to have the MPCA Board make the decision on whether to adopt the proposed rule. Your petition must be in writing and must be received by the MPCA contact person by 4:30 p.m. on January 2, 1997. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. Under *Minnesota Statute* § 116.02, the MPCA Board will only make the decision on the rule if the MPCA Commissioner grants your petition or if an MPCA Board member makes a timely request that the decision be made by the MPCA Board.

Withdrawal of Requests for Rule Hearing. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for a hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Rule Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rule may not be substantially different than this proposed rule. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

Consideration of Economic Factors. *Minnesota Statutes* § 116.07, subd. 6 requires the MPCA to give due consideration to economic factors in exercising its powers. Because the MPCA is incorporating the federal regulations into state rules, the state rules proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law. The proposed rules do not have additional economic impact on their own. This is discussed in greater detail in the SONAR under Section VI, Item E - Costs of Implementation.

Impact on Farming Operations. *Minnesota Statutes* § 14.111 requires that if an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule change to the Commissioner of Agriculture, no later than 30 days prior to publication of the proposed rule in the *State Register*. A cover letter and copy of the proposed rule was sent to Commissioner Redalen on June 7, 1996 explaining this rulemaking. No comments have been received by the MPCA.

Review by the Commissioner of Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to inform the Commissioner of Transportation of all rulemakings that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The adoption of rules governing land application of sewage sludge into Minnesota rules do not concern transportation. The requirements of *Minnesota Statutes* § 174.05 are not applicable.

Adoption and Review of Rule. If no hearing is required and if the decision is not required to be made by the MPCA Board, the MPCA Commissioner may adopt the rule after the end of the comment period. The rule and supporting documents will then be sub-

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Proposed Rules

mitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Peder A. Larson
Acting Commissioner

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to the following:

A. An agency permit required for the storage, treatment, utilization, processing, transfer, intermediate disposal, or final disposal of solid waste. Part 7001.0040 applies to permits for solid waste transfer facilities, recycling facilities, refuse-derived fuel processing facilities, and compost facilities, except that the time period referred to in part 7001.0040, subparts 1 and 3, shall be 90 days instead of 180 days.

B. An agency permit required for the treatment, storage, or disposal of hazardous waste.

C. An agency permit required for the treatment, distribution, utilization, storage, or disposal of sewage sludge landspreading facilities.

~~D. A letter of approval required for sewage sludge landspreading sites. Part 7001.0040, subparts 1 and 3 applies to these approvals, except that the time period referenced in those subparts shall be 30 days instead of 180 days. Parts 7001.0100, subparts 4 and 5 and 7001.0110 do not apply to these approvals.~~

~~E. D.~~ An agency permit required for the construction, installation, or operation of a disposal system. Part 7001.0040, subparts 1 and 3 applies, apply to permits for sewer extensions, except that the time period referenced in those subparts shall be 60 days instead of 180 days. Parts 7001.0100, subparts 4 and 5; 7001.0110; and 7001.0150 do not apply to permits for sewer extensions.

F. ~~E.~~ An agency permit required for the discharge of a pollutant into the waters of the state from a point source.

~~G. F.~~ An agency permit required for the construction or operation of a feedlot; however, parts 7001.0040 to 7001.0070 do not apply to these permits. Parts 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to animal feedlot interim permits.

~~H. G.~~ An agency permit required for the construction or operation of a liquid storage facility. Part 7001.0040, subparts 1 and 3 applies, apply to these permits except that the time period referenced in those subparts shall be 90 days instead of 180 days. Parts 7001.0100, subparts 4 and 5; 7001.0110; and 7001.0150 do not apply to these permits.

I. ~~H.~~ An agency permit required for the construction of a facility, building, structure, or installation that attracts or may attract mobile source activity that results in emissions of an air pollutant for which there is a state standard. Parts 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to permits for parking facilities described in part 7001.1270, subpart 2, with a new or increased parking capacity of 5,000 vehicles or less. Part 7001.0150, subparts 1 and 2, does do not apply to these permits.

J. ~~I.~~ The processing of certifications under section 401 of the Clean Water Act, *United States Code*, title 33, section 1341, to the extent provided by parts 7001.1400 to 7001.1470.

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

[For text of items A to H, see M.R.]

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1290, 7001.3175 to 7001.3475, or ~~7040.0500 and 7040.0600~~ 7041.0700.

7001.3050 PERMIT REQUIREMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Exclusions.** A solid waste management facility permit is not required for:

~~A.~~ a backyard compost site as defined in part 7035.0300; ~~or~~

~~B.~~ a sewage sludge landspreading facility operating in compliance with chapter 7040.

Subp. 3. **Permits-by-rule.** The owner or operator of the following facilities is deemed to have obtained a solid waste manage-

ment facility permit without making application for it, unless the commissioner finds that the facility is not in compliance with the listed part:

[For text of items A to F, see M.R.]

G. facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

[For text of subitem (1), see M.R.]

(2) the owner or operator has obtained a permit in accordance with part 7001.0020, item ~~E~~ D; and

[For text of subitem (3), see M.R.]

[For text of item H, see M.R.]

[For text of subp 4, see M.R.]

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, ~~E~~ D, and ~~F~~ E.

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

[For text of subpart 1, see M.R.]

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

[For text of items A to F, see M.R.]

G. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part 7001.0020, item ~~E~~ D, and chapter 6130.

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, or disposal:

[For text of item A, see M.R.]

B. sewage sludge, septic tank pumpings, sewage sludge compost, or sewage unless it has been treated or will be treated by a process to significantly reduce pathogens pursuant to ~~parts 7040.0100 to 7040.4700~~ or part 7035.2835 and chapter 7041;

[For text of items C to G, see M.R.]

[For text of subps 2 to 4, see M.R.]

Subp. 5. **Industrial solid waste management.** All industrial solid waste delivered to a solid waste management facility must be managed by the owner or operator to protect human health and the environment. The industrial solid waste management plan required under part 7001.3300 must address items A to C, except that the industrial solid waste management plan for a municipal solid waste combustor ash land disposal facility need not comply with items B and C.

[For text of items A to C, see M.R.]

D. The owner or operator need not address the following wastes in the plan:

[For text of subitems (1) to (4), see M.R.]

(5) dewatered sewage sludge that has been treated by a process to significantly reduce pathogens pursuant to ~~parts 7040.0100 to 7040.4700~~ chapter 7041;

[For text of subitems (6) to (8), see M.R.]

[For text of item E, see M.R.]

[For text of subp 6, see M.R.]

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7041.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. Agency. "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. Agricultural land. "Agricultural land" means land on which a food crop, feed crop, cover crop, or fiber crop is grown as well as land managed for the production of hay, pastureland for grazing of livestock, or rangeland.

Subp. 4. Agronomic rate. "Agronomic rate" means the sewage sludge application rate (dry weight basis) designed to:

A. provide the amount of nitrogen which can be utilized by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

B. minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

Subp. 5. Annual pollutant loading rate. "Annual pollutant loading rate" means the maximum amount of a pollutant that can be applied to a unit area of land during a 365-day period.

Subp. 6. Apply sewage sludge or sewage sludge applied to the land. "Apply sewage sludge" or "sewage sludge applied to the land" means applying sewage sludge by spraying or spreading sewage sludge on the surface of the land, injecting sewage sludge below the surface of the land or incorporating sewage sludge into the soil for beneficial use.

Subp. 7. Available nitrogen. "Available nitrogen" means nitrogen which is present in inorganic forms and the amount of organic nitrogen that can be mineralized to plant available forms.

Subp. 8. Beneficial use. "Beneficial use" means any application of sewage sludge to the land to improve soil physical and chemical properties by supplying nutrients, organic matter, and other components of this material.

Subp. 9. Bulk sewage sludge. "Bulk sewage sludge" means sewage sludge that is not sold or given away in a bag or other container for application to the land.

Subp. 10. Cave. "Cave" means any naturally formed, subterranean open area or chamber, or series of chambers.

Subp. 11. Commissioner. "Commissioner" means the commissioner or other designated representative of the Minnesota Pollution Control Agency.

Subp. 12. Cover crop. "Cover crop" means a small grain or other close growing vegetation not grown for harvest such as vegetation growing on land set aside for conservation purposes.

Subp. 13. Cropping year. "Cropping year" means a year beginning on September 1 of the year prior to the growing season and ending August 31 the year the crop is harvested. For example, the 1994 cropping year began September 1, 1993, and ended August 31, 1994.

Subp. 14. Cumulative pollutant loading rate. "Cumulative pollutant loading rate" means the maximum amount of an inorganic pollutant that can be applied to an area of land.

Subp. 15. Dewatered sewage sludge. "Dewatered sewage sludge" means any sewage sludge with a total solids content of 20 percent or greater or which can be transported and handled as a solid material.

Subp. 16. Domestic septage. "Domestic septage" means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Subp. 17. Domestic sewage. "Domestic sewage" means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Subp. 18. Dry weight basis. "Dry weight basis" means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass, or essentially 100 percent solids content.

Subp. 19. EPA. "EPA" means the United States Environmental Protection Agency.

Subp. 20. Exceptional quality sewage sludge. "Exceptional quality sewage sludge" means sewage sludge which has been prepared to meet one of the Class A pathogen reduction requirements in part 7041.1300, subpart 2; the pollutant concentrations in part 7041.1100, subpart 4, item C; and one of the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to H.

Subp. 21. Feed crops. "Feed crops" means crops produced primarily for consumption by animals.

Subp. 22. Food crops. "Food crops" means crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

Subp. 23. Forest. "Forest" means a tract of land thick with trees and underbrush.

Subp. 24. Groundwater. "Groundwater" means water below the land surface in the saturated zone.

Subp. 25. Highly permeable soils. "Highly permeable soils" means soils whose soil leaching potentials are rated as severe, poor filter for soil pesticide loss, by the Natural Resources Conservation Service using the procedure found in part 620, Soil Interpretation Rating Guides of the United States Department of Agriculture-Natural Resources Conservation Service National Soil Survey Handbook.

Subp. 26. Industrial wastewater. "Industrial wastewater" means wastewater generated in a commercial or industrial process.

Subp. 27. Land application site. "Land application site" means an area of land which receives application of sewage sludge for beneficial use.

Subp. 28. Long-term storage. "Long-term storage" means the storage of dewatered bulk sewage sludge for a period greater than 30 days but not exceeding seven months at a land application site.

Subp. 29. Material derived from sewage sludge. "Material derived from sewage sludge" means sewage sludge received from a treatment works whose quality is changed either through treatment or mixing with a nonhazardous material prior to being applied to the land.

Subp. 30. Mine. "Mine" means an excavation for minerals.

Subp. 31. NPDES permit. "NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the agency that authorizes under certain conditions the discharge of pollutants to surface waters of the state. Combined NPDES/SDS permits issued by the agency will be considered NPDES permits under this chapter.

Subp. 32. Natural Resources Conservation Service. "Natural Resources Conservation Service" means the Natural Resources Conservation Service of the United States Department of Agriculture, formerly known as the Soil Conservation Service.

Subp. 33. Other container. "Other container" means either an open or closed receptacle. This includes, but is not limited to, a bucket, box, carton, or vehicle or trailer with a load capacity of one metric ton (2205 pounds) or less.

Subp. 34. Pathogens. "Pathogens" means organisms that are capable of producing an infection or disease in a susceptible host.

Subp. 35. Perched water condition. "Perched water condition" means the soil is saturated with water in one or more layers within 200 centimeters (78.7 inches) of the mineral soil surface and has one or more unsaturated layers, with an upper boundary above 200 centimeters (78.7 inches) in depth, below the saturated layer. The zone of saturation, i.e., the water table, is perched on top of a relatively impermeable layer. The Natural Resources Conservation Service also classifies this as "epi-saturation."

Subp. 36. Permitting authority. "Permitting authority" means either the EPA or a state with an EPA-approved sewage sludge management program.

Subp. 37. Person. "Person" has the meaning given it in *Minnesota Statutes*, section 116.06, subdivision 17.

Subp. 38. Person who prepares sewage sludge. "Person who prepares sewage sludge" means the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.

Subp. 39. pH. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration measured at 25 degrees Celsius or measured at another temperature and then converted to an equivalent value at 25 degrees Celsius.

Subp. 40. Pollutant. "Pollutant" means an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions including malfunction in reproduction, or physical deformations in either organisms or offspring of the organisms.

Subp. 41. Pollutant limit. "Pollutant limit" means a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge, such as milligrams per kilogram of total solids, or the amount of a pollutant that can be applied to a unit area of land, such as pounds per acre.

Subp. 42. Public contact site. "Public contact site" means land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, and golf courses.

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Subp. 43. Quarry. "Quarry" means a surficial mine used to obtain building stone, limestone, gravel, or sand.

Subp. 44. Realistic yield goal. "Realistic yield goal" means the most recent five-year average of crop yields, excluding the worst year, or the most recent three- to five-year average yield increased by ten percent or if the crop has never been grown, the realistic yield goal based on soil productivity and level of management as determined by the county Natural Resources Conservation Service, county extension agent, or a crop consultant.

Subp. 45. Reclamation site. "Reclamation site" means drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

Subp. 46. Residential development. "Residential development" means ten or more places of habitation concentrated within ten acres of land. The term also includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

Subp. 47. SDS permit. "SDS permit" means a State Disposal System permit issued by the agency that authorizes under certain conditions the subsurface disposal or on-land disposal of pollutants and the operation of a disposal system.

Subp. 48. Seasonal high water table. "Seasonal high water table" means the highest level the water table reaches during a given year. Methods of determining the seasonal high water table are given in part 7041.3400, subpart 3.

Subp. 49. Sewage sludge. "Sewage sludge" means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. Sewage sludge that is acceptable and beneficial for recycling on land as a soil conditioner and nutrient source is also known as biosolids.

Subp. 50. Short-term storage. "Short-term storage" means the storage of dewatered bulk sewage sludge for a period of less than 30 days at a land application site.

Subp. 51. Sinkhole. "Sinkhole" means a closed depression in an area of Karst topography that is formed either by solution of surficial limestone or by collapse of underlying caves.

Subp. 52. Soil horizon. "Soil horizon" means a layer of soil that is approximately parallel to the soil surface and has some set of properties that have been produced by soil-forming processes, and has some properties that are not like those of the layers above and beneath it. These properties include color, structure, texture, consistency, and bulk density.

Subp. 53. Soil texture. "Soil texture" means the relative portion of the soil separates sand, silt, and clay. It can be measured using methods described in part 7041.3400, subpart 1. Coarse texture is United States Department of Agriculture textural classifications sand, loamy sand, and sandy loam. Medium texture is United States Department of Agriculture classifications loam, silt, silt loam, and sandy clay loam. Fine texture is United States Department of Agriculture classifications clay loam, silty clay loam, sandy clay, silty clay, and clay.

Subp. 54. Specific oxygen uptake rate (SOUR). "Specific oxygen uptake rate (SOUR)" means the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.

Subp. 55. Surface waters. "Surface waters" means waters of the state including streams, lakes, ponds, marshes, watercourses, waterways, springs, reservoirs, and all other bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through, or border upon the state.

Subp. 56. Total solids. "Total solids" means the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

Subp. 57. Treatment works. "Treatment works" means either a federally owned, publicly owned, or privately owned device or system used to treat, recycle, or reclaim either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature. This includes a septage treatment or septage storage facility which receives domestic septage from multiple sources. For the purpose of this chapter, a treatment works does not include septic tanks unless they are part of a wastewater treatment facility operated by a municipality or sanitary district which is required by the agency to have a NPDES or SDS permit.

Subp. 58. Type IV certified operator or inspector. "Type IV certified operator or inspector" means a person certified according to chapter 7048 for the land application of sewage sludge or the inspection of sewage sludge land application sites.

Subp. 59. Unstabilized solids. "Unstabilized solids" means organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Subp. 60. Vector attraction. "Vector attraction" means the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Subp. 61. Volatile solids. “Volatile solids” means the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.

Subp. 62. Wetland. “Wetland” means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must:

A. have a predominance of hydric soils;

B. be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and

C. under normal circumstances, support a prevalence of such vegetation.

7041.0200 PURPOSE AND POLICY.

The purpose of this chapter is to establish requirements for the storage and land application of sewage sludge that protect public health and the environment. The policy of the agency is to encourage the beneficial use of sewage sludge as a fertilizer or soil conditioner.

7041.0300 APPLICABILITY AND EXCLUSIONS.

Subpart 1. Applicability. Except as provided in subpart 2, item I, the requirements of this chapter apply to any person who prepares sewage sludge that is applied to the land, to any person who applies sewage sludge to the land, to sewage sludge applied to the land (including sewage sludge remaining in a treatment works that is a wastewater treatment pond when the pond is emptied or ceases to be used to receive wastewater), and the land on which sewage sludge is applied.

Subp. 2. Exclusions. This chapter does not establish requirements for:

A. processes used to treat domestic sewage or for processes used to treat sewage sludge such as thickening, stabilization, and dewatering prior to final application to the land, except as provided in parts 7041.1300 and 7041.1400. Treatment processes do not include storage;

B. the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage;

C. the use or disposal of sewage sludge determined to be hazardous according to Code of Federal Regulation, title 40, part 261;

D. the use or disposal of sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis);

E. the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator;

F. the use or disposal of grit, for example, sand, gravel, cinders, or other materials with a high specific gravity, or screenings, for example, relatively large materials such as rags, generated during preliminary treatment of domestic sewage in a treatment works;

G. the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water;

H. a material derived from exceptional quality sewage sludge; and

I. the land application or storage of domestic, commercial, industrial septage, a mixture of domestic septage and commercial septage, or a mixture of domestic septage and industrial septage unless the domestic septage or mixture is generated or stored at a treatment works, in which case it is subject to the requirements of this chapter.

7041.0400 EXCEPTIONAL QUALITY SEWAGE SLUDGE.

Subpart 1. Conditions. The conditions in subpart 2 for exceptional quality sewage sludge do not apply until they are included in a permit or approved management plan as required in part 7041.0600.

Subp. 2. General requirements and management practices. The general requirements in part 7041.1000 and the management practices in part 7041.1200 do not apply to exceptional quality sewage sludge which is applied to the land, except as follows:

A. the management practices in part 7041.1200, subpart 2, item B, for liquid bulk sewage sludge applied to frozen or snow covered ground apply; and

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B. the total nitrogen, phosphorus, and potassium content must be supplied by the person who prepares the sewage sludge to the person who applies or distributes the sewage sludge for that person's use in recommending application rates.

Subp. 3. Storage. The requirements in part 7041.1200, subpart 8, items D and E, apply to the storage of dewatered bulk exceptional quality sewage sludge on agricultural land, forest, or a reclamation site and the storage must not exceed seven months. Persons who prepare sewage sludge shall inform in writing persons who receive the bulk exceptional quality sewage sludge of these storage requirements.

7041.0500 BASIC PROVISIONS.

Subpart 1. Responsibility. Persons who prepare sewage sludge are responsible for ensuring that the applicable requirements in this chapter are met when the sewage sludge is prepared, distributed, or applied to the land.

Subp. 2. Direct enforceability. No person shall use or dispose of sewage sludge through any practice for which requirements are established in this chapter except in accordance with such requirements.

Subp. 3. Additional or more stringent requirements. When necessary to protect the public health or the environment from a potentially adverse effect of a pollutant in sewage sludge, the commissioner may include in a permit or site approval additional or more stringent requirements than established in this chapter.

Subp. 4. Variance. Any person may apply for a variance from requirements of this chapter in accordance with chapter 7000, Minnesota Statutes, section 116.07, subdivision 5, and other applicable statutes and rules; however, the agency shall not grant a variance from any federal requirement.

Subp. 5. Land application approvals. Permits, including expired permits, and approvals, which expire after the effective date of this chapter, issued by procedures under chapter 7040 before its repeal for the application of sewage sludge, remain effective for the land described in them for 180 days from the effective date of this chapter or their expiration date, whichever is later, provided the requirements of this chapter are met and the permit or approval is not revoked according to part 7001.0170. After that time, these areas of land must be reapproved according to the procedures in part 7041.0600, subpart 3, before sewage sludge is applied.

Subp. 6. Treatment works not regulated under chapter 7040 before its repeal. Persons who prepare sewage sludge at treatment works previously not regulated under chapter 7040 before its repeal but regulated under this chapter may continue to apply sewage sludge on sites not approved by the commissioner for up to 12 months from the effective date of this chapter after which time they must have approved sites.

Subp. 7. Compliance with change of management practices. Preparers and appliers of bulk sewage sludge may continue to apply sewage sludge to frozen or snow covered ground and on approved sites with highly permeable soils and soils with greater than 400 pounds extractable phosphorus as allowed under chapter 7040 before its repeal for up to 12 months from the effective date of this chapter. After that time they must be in compliance with part 7041.1200, subparts 2, item B; 3, item A, subitem (3); and 5, unless construction is necessary for compliance, in which case compliance must occur within 24 months of the effective date of this chapter.

7041.0600 REQUIREMENT TO OBTAIN PERMITS AND SITE APPROVAL.

Subpart 1. Permits for inclusion of the sewage sludge requirements. A NPDES or SDS permit which includes sewage sludge requirements must be applied for and obtained from the agency by persons specified in items A to C. Persons who do not have a permit must apply for and obtain a permit before land applying or distributing sewage sludge for application to the land. Permit application requirements are set out in part 7041.0700.

A. Persons who prepare sewage sludge in Minnesota. For persons who have NPDES or SDS permits issued by the agency, the requirements for sewage sludge shall be incorporated into those permits when they are reissued unless the requirements are included in a separate permit or modification of a permit at the request of a permittee. Information required in part 7041.0700 shall be submitted with an application to obtain, renew, or modify a permit.

B. Persons who prepare sewage sludge in another state which is applied to the land or distributed for application to the land in Minnesota, unless the person who prepares the sewage sludge produces exceptional quality sewage sludge or sewage sludge that is sold or given away in a bag or other container and has a permit issued by another state or EPA which includes the requirements for its preparation.

If a permit from the agency is not required, the person who prepares the sewage sludge must obtain written approval of a management plan from the commissioner before the sewage sludge is distributed or applied to the land. The plan must include the information in part 7041.0700, item I. An approved management plan shall be enforceable to the same extent and the same manner as a permit.

C. Persons who prepare sewage sludge which is applied to the land or distributed for application to the land in Minnesota who propose methods to utilize sewage sludge which are not addressed by this chapter.

Subp. 2. Permits for sewage sludge storage. Persons who store bulk sewage sludge or construct storage for bulk sewage sludge at locations other than at a permitted wastewater treatment facility must apply for and obtain a NPDES or SDS permit from the

agency prior to storage or construction. Persons who have permits may apply to have their permits modified to include conditions for storage or construction of storage. Permit application requirements are set out in part 7041.0700. A permit is not required for:

A. short-term or approved long-term storage of dewatered bulk sewage sludge at a land application site; or

B. storage of dewatered bulk exceptional quality sewage sludge when:

(1) the storage meets the requirements in part 7041.0400, subpart 3;

(2) the storage is at a facility permitted under *Minnesota Statutes*, section 18C.305, for fertilizer;

(3) the storage is located at public contact sites, plant nurseries, turf farms, or other locations where it is used for landscaping or horticultural purposes; or

(4) it is stored by persons using it for landscaping or horticultural purposes.

Subp. 3. Site approval. Persons who prepare bulk sewage sludge must obtain approval of the sites on which bulk sewage sludge is applied before it is applied unless it is exceptional quality sewage sludge. Application procedures are set out in part 7041.0800.

7041.0700 APPLICATION REQUIREMENTS FOR NPDES AND SDS PERMITS.

The agency's procedural and permitting rules, chapters 7000 and 7001, apply to all permits required by this chapter. In addition to information required by part 7001.1050, permit applications must include the information listed in items A to L, except that items I and J need only be included when applicable, on a form provided by the commissioner. Information in item I is required when exceptional quality sewage sludge or sewage sludge which is sold or given away in a bag or other container is prepared. Item J is required when the application is for storage or construction of a storage facility for bulk sewage sludge.

A. A description of the process used to meet Class A or Class B pathogen and vector attraction reduction requirements, including any information needed to make these determinations including temperatures, retention times, salmonella, virus, and viable helminth data, volatile solids reduction calculations and management practices.

B. Sewage sludge chemical characteristics determined from a sample or samples taken within one year of application submittal, analyzed, at a minimum, for the parameters listed in part 7041.1500, subpart 2, items A to E, unless the sewage sludge is generated from septic tanks in which case an analysis is not necessarily required. The commissioner shall determine and notify the permit applicant if an analysis is required to protect human health or the environment after review of the permit application. In order to make this determination, the permit application must include information on the size and location of the septic tanks and a description of any commercial (such as a restaurant) or industrial discharges to the treatment works.

C. A description of how and when representative samples of sewage sludge applied to the land will be taken.

D. Information necessary to evaluate the laboratory quality assurance and quality control procedures including analytical methods, detection limits, and holding times of the laboratory doing the analysis in item B and the sampling techniques, preservation method, and shipping technique used by the preparer.

E. Any groundwater monitoring data, with a description of the well locations and approximate depth to groundwater for land application sites if this data is not already on file at the agency.

F. A description of the applicant's sewage sludge use, disposal, or distribution practices.

G. The location to which sewage sludge is transferred and the names of applicators, contractors, or distributors who will use or dispose of the sewage sludge, if applicable.

H. Annual sewage sludge production.

I. A management plan that describes how the person who prepares the sewage sludge will ensure that the proposed distribution or land application of the sewage sludge meets the requirements of this chapter. The following items shall be included or addressed in the plan:

(1) a copy of any permits issued to the applicant which contain conditions for the treatment of sewage sludge which are not issued by the agency;

(2) a certification statement appropriate to the type of sewage sludge prepared as required in part 7041.1600;

(3) a copy of the analysis of the sewage sludge as required by part 7041.1500;

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- (4) the proposed method of use and distribution of the sewage sludge;
- (5) a copy of any labels or information sheets to be supplied to users or distributors of the sewage sludge, if applicable;
- (6) the quantity of sewage sludge to be transported and the transportation schedule; and
- (7) what information will be submitted on the annual report and when the annual report will be submitted.

J. Information describing storage or construction of storage which includes:

- (1) the location on a topographic map depicting the area one mile beyond the proposed location;
- (2) the size of the storage facility or area;
- (3) the type of sewage sludge to be stored;
- (4) operating conditions for receiving and removing sewage sludge and handling spills if liquid sewage sludge is stored;
- (5) the type of storage structure or impermeable pad if proposed; and
- (6) the plans and specifications for constructed storage facilities.

K. Any information required to determine the appropriate standards for permitting under this chapter.

L. Any other information the commissioner may request and reasonably require to assess the sewage sludge land application practices, to determine whether to issue a permit, or to ascertain appropriate permit requirements such as detailed product description and proposed distribution.

7041.0800 APPLICATION AND APPROVAL PROCEDURE FOR LAND APPLICATION SITES.

Subpart 1. Site application. Persons who are required by part 7041.0600, subpart 3, to obtain a site approval from the commissioner must apply for the approval as provided in this part. Applications for approvals must be completed and signed by a Type IV certified operator or inspector. An approval is only valid for the conditions stated in the approval, including management practices and acreage authorized. If a change in acreage is proposed, a new application must be submitted and approval obtained. If a change in management practices included in the site approval is proposed, the change shall be authorized by the agency through a letter to the person who applies for the change before the person initiates the change.

The application must include a copy of the notification described in subpart 6 and the specific information given in subparts 2 to 5 submitted on a site application form obtained from or approved by the commissioner.

Subp. 2. Site characterization. Site applications must contain site characterization that includes the following:

A. a copy of Natural Resources Conservation Service soil survey maps from the official soil survey, if available, or comparable soil maps prepared by a soil scientist with mapping experience, delineating the boundaries of the specific land application site, and:

- (1) the depth, spacing, and location of tile lines;
- (2) the location of tile inlets; and
- (3) a list of soil types on the site that are highly permeable;

B. a legal description of the land application site, including township, range, section, quarter section, township or city name, and county;

C. the following characteristics of the soil determined from samples obtained within six months of site application submittal using collection and analysis procedures in parts 7041.3300 and 7041.3400:

- (1) United States Department of Agriculture textural classification;
- (2) percentage of organic matter;
- (3) extractable phosphorus in parts per million;
- (4) exchangeable potassium in parts per million;
- (5) water pH; and
- (6) soluble salts expressed in millimhos per centimeter;

D. the approvable acreage of the land application site;

E. the name and address of the landowner and a copy or description of any contracts or agreements the landowner has with persons other than the applicant for the land application of bulk sewage sludge or other waste products such as industrial sludge, wastewater, and animal manure, at the land application site; and

F. the name and address of any renter, lessee, or occupier of the land application site.

Subp. 3. Site management. Applications must include site management, including:

- A. a description of the proposed method or methods of bulk sewage sludge application;
- B. a description of the crops to be grown and realistic yield goals or dominant vegetation at the site and the intended use of the crops or vegetation;
- C. the maximum available nitrogen application rate, in pounds of nitrogen per acre and the agronomic rate in dry tons of bulk sewage sludge solids per acre per cropping year; and
- D. a description of how public access to the site is proposed to be controlled if necessary.

Subp. 4. Application requirements for long-term storage of dewatered bulk sewage sludge at the site at which the bulk sewage sludge is applied. Applications must include the following information if approval of long-term storage at the land application site is requested:

- A. a description of the necessity for storage at the land application site;
- B. the location of the storage area delineated on maps submitted according to subpart 2, item A;
- C. the dimensions of the bulk sewage sludge storage area;
- D. the quantity of bulk sewage sludge to be stored;
- E. boring logs from at least two soil borings taken to a depth of ten feet at the perimeter of the proposed storage area. The boring logs must include:
 - (1) texture and thickness of each soil horizon encountered;
 - (2) color and presence or absence of mottling for each soil horizon encountered;
 - (3) depth to seasonal high water table, if encountered; and
 - (4) depth to bedrock, if encountered;
- F. the expected duration of storage before land application; and
- G. the description of precautions or practices to minimize or prevent drainage, runoff, or nuisance conditions at the storage area.

Subp. 5. Modification of management practices. If any modification of the suitable soil conditions, slopes, or separation distances in part 7041.1200, subpart 3, are requested for nonagricultural uses, the site application must indicate what the nonagricultural use is; which conditions, slopes, or separation distances should be modified; and what environmental benefits will result from bulk sewage sludge application under the proposed conditions.

Subp. 6. Approval procedure; public notification. Persons who prepare bulk sewage sludge shall provide notice by mail of the proposed land application site on the same date to the commissioner, the owner and occupier of the site, the city or township and county official of the area where the land application site is located, and any person known by the preparer to be interested in the approval of the site. The notice must include:

- A. that the purpose is to notify local officials of the intent to apply to the commissioner for approval of the site for the beneficial use of sewage sludge;
- B. site ownership and location and the name of the lessee, renter, or occupier of the site if applicable;
- C. the preparer's name and how the preparer can be reached for more information;
- D. a general site management and conditions information sheet prepared or approved by the commissioner;
- E. that a Type IV operator or inspector certified by the commissioner in handling sewage sludge has reviewed the sites for compliance with this chapter;
- F. that application is being mailed on the same date to the commissioner for a final determination on site suitability and site management for those sites;
- G. that if there are comments or questions regarding approval of the sites, the agency's Water Quality Division must be contacted within 30 days of the date the notification was sent;

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H. that the commissioner will approve or deny the application in writing after the 30-day comment period; and

I. that the commissioner reviews land application reports submitted annually by the preparer of sewage sludge.

Subp. 7. Review. Applications shall be reviewed for completeness by the commissioner. If the application is incomplete, the commissioner shall promptly advise the applicant of the incompleteness. Further processing of the application shall be suspended until the applicant has supplied the necessary information to the commissioner.

Subp. 8. Approval or denial. Notice of approval or denial and reasons for a denial shall be issued by the commissioner to the persons listed in subpart 6 no sooner than 30 days from the date the notification of the land application site was sent to those persons.

Subp. 9. Final determination. The commissioner shall attempt to resolve all comments prior to a final determination concerning the application. If the comments have been resolved, the commissioner shall issue or deny the approval. If all comments cannot be resolved, the application shall be presented to the agency board, which shall issue or deny the approval.

Subp. 10. Enforcement. A site approval issued to the person who prepares sewage sludge under this part shall be enforceable to the same extent and in the same manner as a permit.

Subp. 11. Revocation of letters of approval. A letter of approval may be revoked in accordance with the requirements of part 7001.0170.

7041.0900 STORAGE CONSTRUCTION REQUIREMENTS.

The minimum construction requirements in items A and B apply to storage facilities required to be permitted under part 7041.0600, subpart 2.

A. Any basin, tank, pit, or lagoon used to store liquid sewage sludge must not seep at a rate greater than 500 gallons per acre per day.

B. Any area used to store dewatered sewage sludge must be paved with asphalt, concrete, or other material meeting the seepage requirement in item A to a depth sufficient to bear the weight of unloading and loading trucks and equipment without cracking. The pad must be sloped and curbed to collect all runoff water. Runoff water must be routed to a wastewater treatment facility or used in a manner approved by the commissioner.

7041.1000 GENERAL REQUIREMENTS.

Subpart 1. Cumulative pollutant loading rates. No person shall apply bulk sewage sludge to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in part 7041.1100, subpart 4, item B, have been reached.

Subp. 2. Notice and necessary information for compliance. Notice and necessary information needed to comply with the requirements of this chapter must be given or obtained by preparers, appliers, and users of bulk sewage sludge according to items A to D.

A. Preparers of bulk sewage sludge must provide written notification of the concentration of total nitrogen (as N on a dry weight basis) and available nitrogen (in pounds per wet ton or pounds per 1,000 gallons, whichever is appropriate) to appliers of bulk sewage sludge.

B. Before bulk sewage sludge subject to the cumulative pollutant loading rates in part 7041.1100, subpart 4, item B, is applied to the land, the person who proposes to apply the bulk sewage sludge must contact the permitting authority for the state in which the bulk sewage sludge will be applied to determine whether cumulative pollutant loading rates have been reached. If bulk sewage sludge which has pollutant concentrations greater than those listed in part 7041.1100, subpart 4, item C, has been applied since July 20, 1993, and the cumulative amount is not known, no additional bulk sewage sludge may be applied to that land.

C. The person who prepares bulk sewage sludge, or an applier under contract to the preparer to do so, is responsible for notifying and providing the necessary information for compliance with this chapter to the users of bulk sewage sludge by specifying appropriate agronomic application rates, site restrictions, and other management practices.

D. A person who prepares sewage sludge must give notice and necessary information to comply with this chapter to other persons who prepare sewage sludge or derive a material from the sewage sludge.

Subp. 3. Sewage sludge applied to land in another state. Any person who prepares bulk sewage sludge in Minnesota that is applied to land in another state is responsible for providing written notice to the permitting authority for the state in which the bulk sewage sludge is proposed to be applied prior to the initial application of bulk sewage sludge. The notice must include:

A. the legal description of each land application site;

B. the approximate time period bulk sewage sludge will be applied to the site;

C. the concentration of the pollutants listed in part 7041.1100, subpart 4, item C, for the bulk sewage sludge which will be applied to the land; and

D. the name, address, telephone number, and National Pollutant Discharge Elimination System permit number, if appropriate, for the person who prepares the bulk sewage sludge.

7041.1100 POLLUTANT LIMITS.

Subpart 1. Ceiling concentrations. Bulk sewage sludge or sewage sludge sold or given away in a bag or other container must not be applied to the land if the concentration of any pollutant in the sewage sludge exceeds the ceiling concentration for the pollutant in subpart 4, item A.

Subp. 2. Cumulative loading rates. If bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site, either the cumulative loading rate for each pollutant must not exceed the cumulative pollutant loading rate for each pollutant in subpart 4, item B, or the bulk sewage sludge must be exceptional quality sewage sludge.

Subp. 3. Pollutant concentrations. The conditions in items A and B apply to pollutant concentrations in bulk sewage sludge and sewage sludge sold or given away in a bag or other container.

A. If bulk sewage sludge is applied to a lawn or a home garden, the concentration of each pollutant in the sewage sludge must not exceed the concentration for the pollutant in subpart 4, item C.

B. If sewage sludge is sold or given away in a bag or other container for application to the land, either:

(1) the concentration of each pollutant in the sewage sludge must not exceed the concentration for the pollutant in subpart 4, item C; or

(2) the product of the concentration of each pollutant in the sewage sludge and the annual whole sludge application rate for the sewage sludge must not cause the annual pollutant loading rate for the pollutant in subpart 4, item D, to be exceeded. The procedure used to determine the annual whole sludge application rate is outlined in part 7041.3100.

Subp. 4. Pollutant concentrations and loading rates. Pollutant concentrations and loading rates are given in items A to D.

A. Ceiling concentrations.

<u>Pollutant</u>	<u>Ceiling Concentration (mg/kg)¹</u>
<u>Arsenic</u>	<u>75</u>
<u>Cadmium</u>	<u>85</u>
<u>Copper</u>	<u>4300</u>
<u>Lead</u>	<u>840</u>
<u>Mercury</u>	<u>57</u>
<u>Molybdenum</u>	<u>75</u>
<u>Nickel</u>	<u>420</u>
<u>Selenium</u>	<u>100</u>
<u>Zinc</u>	<u>7500</u>

¹Dry weight basis

B. Cumulative pollutant loading rates.

<u>Pollutant</u>	<u>Rate (kg/ha)</u>	<u>Rate (lbs/ac)</u>
<u>Arsenic</u>	<u>41</u>	<u>37</u>
<u>Cadmium</u>	<u>39</u>	<u>35</u>
<u>Copper</u>	<u>1500</u>	<u>1339</u>
<u>Lead</u>	<u>300</u>	<u>268</u>
<u>Mercury</u>	<u>17</u>	<u>15</u>
<u>Nickel</u>	<u>420</u>	<u>375</u>
<u>Selenium</u>	<u>100</u>	<u>89</u>
<u>Zinc</u>	<u>2800</u>	<u>2500</u>

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C. Pollutant concentrations.

<u>Pollutant</u>	<u>Monthly Average Concentrations (mg/kg)¹</u>
<u>Arsenic</u>	<u>41</u>
<u>Cadmium</u>	<u>39</u>
<u>Copper</u>	<u>1500</u>
<u>Lead</u>	<u>300</u>
<u>Mercury</u>	<u>17</u>
<u>Nickel</u>	<u>420</u>
<u>Selenium</u>	<u>100</u>
<u>Zinc</u>	<u>2800</u>

¹On a dry weight basis, the arithmetic mean of all measurements taken during the month.

D. Annual pollutant loading rates per 365-day period.

<u>Pollutant</u>	<u>Rate (kg/ha)</u>	<u>Rate (lbs/ac)</u>
<u>Arsenic</u>	<u>2.0</u>	<u>1.8</u>
<u>Cadmium</u>	<u>1.9</u>	<u>1.7</u>
<u>Copper</u>	<u>75.0</u>	<u>67.0</u>
<u>Lead</u>	<u>15.0</u>	<u>13.0</u>
<u>Mercury</u>	<u>0.85</u>	<u>0.76</u>
<u>Nickel</u>	<u>21.0</u>	<u>19.0</u>
<u>Selenium</u>	<u>5.0</u>	<u>4.5</u>
<u>Zinc</u>	<u>140.0</u>	<u>125.0</u>

7041.1200 MANAGEMENT PRACTICES AND LIMITATIONS.

Subpart 1. Endangered species. Bulk sewage sludge must not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act of 1973, United States Code, title 16, section 1533, as amended, or its designated critical habitat.

Subp. 2. Frozen or flooded ground.

A. Bulk sewage sludge must not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow covered so that the bulk sewage sludge enters a wetland or other surface waters.

B. In addition to the requirements in subpart 3, item B, land application of dewatered or liquid bulk sewage sludge to frozen or snow covered ground is restricted to land with zero to two percent slopes. The application of liquid bulk sewage sludge is also restricted to a 15,000 gallon per acre hydraulic loading rate for the period when the ground is frozen or snow covered and must take place no closer than 600 feet from downgradient surface waters listed in subpart 3, item B.

C. Bulk sewage sludge must be injected or incorporated within 48 hours of surface application on ground which is subject to flooding unless specified otherwise in a site approval.

Subp. 3. Suitable soil conditions, slopes, and separation distances. The suitable soil conditions in item A and the suitable slopes and separation distances in item B must be met when bulk sewage sludge is applied to agricultural land application sites. These conditions and limitations must also be met when bulk sewage sludge is applied to nonagricultural sites such as reclamation, forest, or public contact sites unless approved by the commissioner under the requirements of part 7041.0800, subpart 5. Bulk sewage sludge must not be applied to agricultural land, forest, or a reclamation site that is 33 feet or less from surface waters or wetlands unless specified otherwise in a permit.

A. Suitable soil conditions are as follows:

(1) the soil texture, United States Department of Agriculture classification, at the zone of sewage sludge application must be fine sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, sandy clay, silty clay loam, silty clay, or clay;

(2) the pH of the soil must be 5.5 or greater;

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(3) bulk sewage sludge application to a site must be suspended when the soil extractable phosphorus content determined by the Brays P-1 test exceeds 200 parts per million (400 pounds per acre) in the surface six inches of soil unless it is demonstrated through a management plan approved by the commissioner that all resource management system level erosion control practices as determined necessary by the Natural Resources Conservation Service are in place and maintained;

(4) bulk sewage sludge application to a site must be suspended when the electrical conductivity of the saturation extract of the soil exceeds four millimhos per centimeter as determined by the soluble salt test;

(5) soil samples must be collected and analyzed for parameters in part 7041.0800, subpart 2, item C, at a minimum of once every three years unless stipulated otherwise in a site approval;

(6) liquid sewage sludge must not be applied to soils with surface permeabilities of less than 0.2 inch per hour unless the sewage sludge is injected or incorporated within 48 hours of surface application; and

(7) organic soils or peat soils must not be used for bulk sewage sludge application unless subsurface drainage is provided by a system designed according to or equivalent to Natural Resources Conservation Service engineering criteria.

B. Suitable slopes and separation distances must be as described in this item. If applied through irrigation equipment, aerosol drift shall not be in contact with the feature specified.

BULK SEWAGE SLUDGE APPLIED TO THE LAND SUITABLE SLOPES AND SEPARATION DISTANCES

<u>Criteria</u>	<u>Surface Applied</u>	<u>Incorporation within 48 hrs.</u>	<u>Injection</u>
<u>Depth to bedrock</u>	<u>3¹ ft.</u>	<u>3¹ ft.</u>	<u>3¹ ft.</u>
<u>Depth to seasonal high water table² or drain tile¹</u>	<u>3¹ ft.</u>	<u>3¹ ft.</u>	<u>3¹ ft.</u>
<u>Allowable slopes</u>	<u>0% to 6%</u>	<u>0% to 12%</u>	<u>0% to 12%</u>
<u>Distance to wells</u>			
<u>Private supply</u>	<u>200 ft.</u>	<u>200 ft.</u>	<u>200 ft.</u>
<u>Public supply</u>	<u>1000 ft.</u>	<u>1000 ft.</u>	<u>1000 ft.</u>
<u>Irrigation</u>	<u>50 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Distance to residences⁴</u>	<u>200 ft.</u>	<u>200 ft.</u>	<u>100 ft.</u>
<u>Distance to residential development⁴</u>	<u>600 ft.</u>	<u>600 ft.</u>	<u>300 ft.</u>
<u>Distance to public contact site</u>	<u>600 ft.</u>	<u>600 ft.</u>	<u>300 ft.</u>
<u>Down gradient⁴ lakes, rivers, streams, type 3, 4, and 5 wetlands, intermittent streams⁴, or tile inlets connected to these surface waters, and sinkholes</u>			
<u>Slope 0% to 6%</u>	<u>200 ft.</u>	<u>50 ft.</u>	<u>50 ft.</u>
<u>Slope >6 to 12%</u>	<u>N/A</u>	<u>100 ft.</u>	<u>100 ft.</u>
<u>Grassed Waterways¹</u>			
<u>Slope 0% to 6%</u>	<u>100 ft.</u>	<u>33 ft.</u>	<u>33 ft.</u>
<u>Slope 6% to 12%</u>	<u>N/A</u>	<u>33 ft.</u>	<u>33 ft.</u>

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¹The depth is calculated from the zone of sewage sludge application and the separation distance for highly permeable soils is 5 feet.

²For the purpose of this item, a perched water condition shall not be considered a seasonal high water table.

³The depth to subsurface drainage tiles shall be considered the depth to the seasonal high water table for sites with tile drainage systems that are designed according to or equivalent to Natural Resources Conservation Service engineering standards and criteria.

⁴Separation distances may be reduced with written permission from all persons responsible for residential developments and places of recreation and all persons inhabiting within the otherwise protected distance.

⁵If downgradient surface water does not receive runoff because the site is bermed, separation distances can be reduced to 33 feet.

⁶For the purpose of this item, intermittent stream means a drainage channel with definable banks that provides for runoff flow to any of the surface waters listed in this item during snow melt or rainfall events.

⁷Separation distances are from the centerline of grassed waterways. For grassed waterways which are wider than these separation distances, application is allowed to the edge of the grass strip. Grassed waterways are natural or constructed, typically broad and shallow, and seeded to grass as protection against erosion.

Subp. 4. Agronomic rates.

A. Bulk sewage sludge must be applied to agricultural land, forest, a public contact site, or a reclamation site at an application rate that is equal to or less than the agronomic rate, unless, in the case of a reclamation site, otherwise specified by the commissioner.

B. Bulk sewage sludge application rates, combined with other known sources of nitrogen such as manure, carry-over nitrogen from previous sewage sludge applications, or fertilizer, must supply no more available nitrogen than the rates as described in subitems (1) to (5).

(1) The maximum available nitrogen application rates calculated by methods provided by the commissioner which are based on realistic yield goals, soil organic matter content, and previously grown crops.

(2) For alfalfa and clovers which do not have recommended nitrogen application rates either:

(a) the maximum available nitrogen application rate must not exceed 200 pounds per acre for alfalfa and 100 pounds per acre for clover, alfalfa grass, and clover grass mixtures; or

(b) the maximum available nitrogen application rates may be calculated based on realistic yield goals and measured yields in tons per acre multiplied by 50 pounds of nitrogen per ton.

(3) For soybeans, the maximum available nitrogen application rate shall be calculated by multiplying the realistic yield goal in bushels per acre times 3.5 pounds of nitrogen per bushel.

(4) The maximum available nitrogen application rate for cover crops must not exceed 50 pounds per acre per year.

(5) The available nitrogen applied after the second cutting of a hay crop must be no more than 50 percent of the maximum available nitrogen application rate for the current cropping year.

C. Bulk sewage sludge must not be applied to the land during the months of June, July, and August unless a crop is growing on the land or a crop is seeded within fourteen days following the bulk sewage sludge application.

D. Bulk sewage sludge must not be applied to fallow land, which is land that is uncropped and kept cultivated throughout a growing season and has a vegetative cover of less than 25 percent. Any land that is uncropped and cultivated during the months of September through May where a crop will be grown the following growing season is not considered fallow land.

E. The calculation of available and carry-over nitrogen in sewage sludge must be performed as described in part 7041.3000.

Subp. 5. Highly permeable soils. In addition to those specified in subparts 3 and 4, the separation distances in item A and agronomic management practices in items B and C must be met when bulk sewage sludge is applied to highly permeable soils.

A. The minimum separation distance between the zone of bulk sewage sludge application and the seasonal high water table and bedrock is five feet.

B. Bulk sewage sludge must not be applied to the land during the months of June, July, August, or September unless a crop is growing on the land or a crop is seeded within 14 days following the bulk sewage sludge application.

C. Bulk sewage sludge applied in October shall be surface applied or applied with a nitrification stabilizer which extends the time the nitrogen component remains in the soil in the ammoniacle form.

Subp. 6. Prohibited sites and other limits. The prohibited sites and other limits in items A to G apply to bulk sewage sludge applied to the land.

A. Bulk sewage sludge must not be applied on areas ponded with water or sewage sludge.

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B. Bulk sewage sludge must not be applied or run onto adjoining property, roads, and the shoulders and drainage ditches alongside a road.

C. The boundary of a land application site must be identified prior to and during application with the use of conspicuous flags placed to achieve a clear and positive identification of the suitable site boundary unless apparent boundaries, such as fence rows, roads, tree lines, type of vegetation, or steep slopes, exist.

D. Bulk sewage sludge must not be applied on any land without the permission of the owner.

E. Bulk sewage sludge must be applied to land in such a manner as to provide uniform application.

F. Bulk sewage sludge must not be disposed of or placed into any cave, or sinkhole. Except as part of a reclamation project, sewage sludge must not be disposed of or placed on any mine or quarry.

G. Daily surface applications of liquid sewage sludge must not exceed the following: coarse-textured soils, 25,000 gallons per acre; medium-textured soils, 15,000 gallons per acre; or fine-textured soils, 10,000 gallons per acre.

Subp. 7. Short-term storage. Items A to C apply to the short-term storage of dewatered bulk sewage sludge.

A. The short-term storage of bulk sewage sludge shall not exceed 30 days.

B. Separation distances for short-term bulk sewage sludge storage areas shall be those provided in subpart 3, item B, except that short-term storage of bulk sewage sludge shall not occur within 100 feet of any adjoining property without the written permission of the owner or within 100 feet of any road or drainage ditch.

C. Short-term storage of bulk sewage sludge shall not take place on land with a slope greater than two percent unless measures are taken to control water runoff or the bulk sewage sludge is being spread concurrent with the unloading of bulk sewage sludge delivery trucks and will not be stockpiled overnight.

Subp. 8. Long-term storage. Items A to G apply to the long-term storage of dewatered bulk sewage sludge.

A. Long-term storage of bulk sewage sludge is only allowed at land application sites where the stored bulk sewage sludge is to be applied. Long-term storage of bulk sewage sludge that is intended for application at several land application sites is allowed provided that all sites are owned by the same person and all sites are within a one-half mile radius.

B. Long-term storage of bulk sewage sludge for land application areas of 40 acres or less shall not take place within 400 feet from any residence. This separation distance shall increase 100 feet for every additional ten acres of land application area, or portion thereof, up to a maximum of 1,000 feet. Separation distances may be reduced if written permission is obtained from all persons residing within the otherwise protected distance.

C. Long-term storage of bulk sewage sludge shall not take place within 1,000 feet of any residential development or public contact site.

D. Long-term storage of bulk sewage sludge shall not take place within 1,000 feet of any downgradient surface waters and wetlands listed in subpart 3, item B, tile inlets, or sinkholes unless measures are taken to control runoff in which case the separation distance may be reduced to 200 feet.

E. Long-term storage of bulk sewage sludge shall not be allowed on land with greater than a two percent slope.

F. Long-term bulk sewage sludge storage areas shall be located in areas where the texture of all the horizons in the soil profile to a depth of five feet is sandy loam or finer unless an impervious pad with a drainage collection system is constructed.

G. Long-term bulk sewage sludge storage shall not take place on the same area for two or more consecutive years unless an impervious pad with a drainage collection system is constructed.

Subp. 9. Labeling. A label must be affixed to the bag or other container in which sewage sludge is sold or given away for application to the land or an information sheet must be provided to the person who receives sewage sludge in an other container. The label or information sheet must contain the following information:

A. the name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container;

B. a statement that application of the sewage sludge to the land is prohibited except according to the instructions on the label or information sheet; and

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C. the annual whole sludge application rate for the sewage sludge that does not cause any of the annual pollutant loading rates in part 7041.1100, subpart 4, item D, to be exceeded.

7041.1300 OPERATIONAL STANDARDS; PATHOGEN REDUCTION.

Subpart 1. General. Bulk sewage sludge must meet the requirements of Class A pathogen reduction or Class B pathogen reduction and the site restrictions in subpart 3, item D, when it is applied to agricultural land, forest, a public contact site, or a reclamation site. Bulk sewage sludge applied to a lawn or home garden and sewage sludge sold or given away in a bag or other container must meet Class A pathogen reduction requirements.

Subp. 2. Pathogens in sewage sludge; Class A. To be classified Class A with respect to pathogen reduction, the requirements in items A and B must be met.

A. One of the Class A pathogen requirements in items C to H must be met either prior to or at the same time the vector attraction reduction requirements in part 7041.1400, subpart 2, are met except when the vector attraction reduction requirements in part 7041.1400, subpart 2, item E, G, or H, are met.

B. Either the density of fecal coliform in the sewage sludge must be less than 1,000 most probable number per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the sewage sludge must be less than three most probable number per four grams of total solids (dry weight basis) at the time the sewage sludge is applied to the land, at the time the sewage sludge is prepared for sale or giveaway in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of exceptional quality sewage sludge.

C. Class A, Alternative 1. (Not applicable for composting.) The temperature of the sewage sludge shall be maintained at a specific value for a period of time.

(1) When the percent solids of the sewage sludge is seven percent or higher, the temperature of the sewage sludge shall be 50 degrees Celsius or higher, the time period shall be 20 minutes or longer, and the temperature and time period shall be determined using the equation in this unit, except when small particles of sewage sludge are heated by either warmed gases or an immiscible liquid.

$$D = \frac{131,700,000}{10^{0.1400t}}$$

Where,

D=time in days.

t=temperature in degrees Celsius.

(2) When the percent solids of the sewage sludge is seven percent or higher and small particles of sewage sludge are heated by either warmed gases or an immiscible liquid, the temperature of the sewage sludge shall be 50 degrees Celsius or higher, the time period shall be 15 seconds or longer, and the temperature and time period shall be determined using the equation in subitem (1).

(3) When the percent solids of the sewage sludge is less than seven percent and the time period is at least 15 seconds, but less than 30 minutes, the temperature and time period shall be determined using the equation in subitem (1).

(4) When the percent solids of the sewage sludge is less than seven percent, the temperature of the sewage sludge is 50 degrees Celsius or higher, and the time period is 30 minutes or longer, the temperature and time period shall be determined using the equation in this unit.

$$D = \frac{50,070,000}{10^{0.1400t}}$$

Where,

D=time in days.

t=temperature in degrees Celsius.

D. Class A, Alternative 2. The pH of the sewage sludge shall be raised to above 12 and shall remain above 12 for 72 hours.

(1) The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12.

(2) At the end of the 72-hour period during which the pH of the sewage sludge is above 12, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

E. Class A, Alternative 3. The sewage sludge shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains enteric viruses and helminth ova.

(1) When the density of enteric viruses in the sewage sludge prior to pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to enteric viruses until the next monitoring episode for the sewage sludge.

(2) When the density of enteric viruses in the sewage sludge prior to pathogen treatment is equal to or greater than one plaque-forming unit per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to enteric viruses when the density of enteric viruses in the sewage sludge after pathogen treatment is less than one plaque-forming unit per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement are documented.

(3) After the enteric virus reduction in subitem (2) is demonstrated for the pathogen treatment process, the sewage sludge continues to be Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in subitem (2).

(4) When the density of viable helminth ova in the sewage sludge prior to pathogen treatment is less than one per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to viable helminth ova until the next monitoring episode for the sewage sludge.

(5) When the density of viable helminth ova in the sewage sludge prior to pathogen treatment is equal to or greater than one per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to viable helminth ova when the density of viable helminth ova in the sewage sludge after pathogen treatment is less than one per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the viable helminth ova density requirement are documented.

(6) After the viable helminth ova reduction in subitem (5) is demonstrated for the pathogen treatment process, the sewage sludge continues to be Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in subitem (5).

F. Class A, Alternative 4.

(1) The density of enteric viruses in the sewage sludge shall be less than one plaque-forming unit per four grams of total solids (dry weight basis) at the time the sewage sludge is applied to the land, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of exceptional quality sewage sludge, unless otherwise specified by the permitting authority.

(2) The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is applied to the land; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of exceptional quality sewage sludge, unless otherwise specified by the permitting authority.

G. Class A, Alternative 5. Sewage sludge shall be treated in one of the processes to further reduce pathogens in subitems (1) to (7).

(1) Composting. Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55 degrees Celsius or higher for three days. Using the windrow composting method, the temperature of the sewage sludge is maintained at 55 degrees or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees or higher, there shall be a minimum of five turnings of the windrow.

(2) Heat drying. Sewage sludge is dried by direct or indirect contact with hot gases to reduce the moisture content of the sewage sludge to 10 percent or lower. Either the temperature of the sewage sludge particles exceeds 80 degrees Celsius or the wet bulb temperature of the gas in contact with the sewage sludge.

(3) Heat treatment. Liquid sewage sludge is heated to a temperature of 180 degrees Celsius or higher for 30 minutes.

(4) Thermophilic aerobic digestion. Liquid sewage sludge is agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the sewage sludge is ten days at 55 to 60 degrees Celsius.

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(5) Beta ray irradiation. Sewage sludge is irradiated with beta rays from an accelerator at dosages or at least 1.0 megarad at room temperature (ca. 20 degrees Celsius).

(6) Gamma ray irradiation. Sewage sludge is irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20 degrees Celsius).

(7) Pasteurization. The temperature of the sewage sludge is maintained at 70 degrees Celsius or higher for 30 minutes or longer.

H. Class A, Alternative 6. Sewage sludge that is applied to the land shall be treated in a process that is equivalent to a process to further reduce pathogens in item G, as determined by the permitting authority.

Subp. 3. Sewage sludge; Class B. The requirements in item A, B, or C must be met for sewage sludge to be classified as Class B with respect to pathogen reduction and when Class B sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site, the site restrictions in item D must also be met.

A. Class B, Alternative 1.

(1) Seven representative samples of the sewage sludge that is applied to the land shall be collected.

(2) The geometric mean of the density of fecal coliform in the samples collected in subitem (1) shall be less than either 2,000,000 most probable number per gram of total solids (dry weight basis) or 2,000,000 colony forming units per gram of total solids (dry weight basis).

B. Class B, Alternative 2. Sewage sludge shall be treated in one of the Processes to Significantly Reduce Pathogens in subitems (1) to (5).

(1) Aerobic digestion. Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20 degrees Celsius and 60 days at 15 degrees Celsius.

(2) Air drying. Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above zero degrees Celsius.

(3) Anaerobic digestion. Sewage sludge is treated in the absence of air for a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.

(4) Composting. Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40 degrees Celsius or higher and remains at 40 degrees Celsius or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55 degrees Celsius.

(5) Lime stabilization. Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

C. Class B, Alternative 3. Sewage sludge shall be treated in a process that is equivalent to a process to significantly reduce pathogens, as determined by the permitting authority.

D. Site Restrictions.

**MINIMUM DURATION BETWEEN APPLICATION AND
HARVEST/GRAZING/PUBLIC CONTACT FOR
CLASS B SEWAGE SLUDGE APPLIED TO THE LAND**

<u>Criteria</u>	<u>Surface Applied and Incorporated</u>	<u>Injected</u>
<u>Food crops whose harvested part may touch the soil/sludge mixture (melons, squash, tomatoes, etc.)</u>	<u>14 mos.</u>	<u>14 mos.</u>
<u>Food crops whose harvested parts grow in the soil (potatoes, carrots, etc.)</u>	<u>20/38 mos.¹</u>	<u>38 mos.</u>
<u>Feed, other food crops (field corn, sweet corn, etc.) hay, or fiber crop</u>	<u>30 days</u>	<u>30 days</u>
<u>Grazing of animals</u>	<u>30 days</u>	<u>30 days</u>
<u>Public contact to the land</u>		
<u>- High potential²</u>	<u>1 year</u>	<u>1 year</u>
<u>- Low potential¹</u>	<u>30 days</u>	<u>30 days</u>

¹The 20-month duration between application and harvesting applies when the sewage sludge that is surface applied stays on the soil surface for four months or longer prior to incorporation into the soil. The 38-month duration is in effect when the sludge remains on the soil surface for less than four months prior to incorporation.

²This includes, but is not limited to, a public contact site and reclamation site located in populated areas, for example, a construction site located in a city, turf farms, and plant nurseries.

³Land the public uses infrequently which includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area.

7041.1400 OPERATIONAL STANDARDS; VECTOR ATTRACTION REDUCTION.

Subpart 1. Agricultural and other lands. One of the vector attraction reduction requirements in subpart 2 must be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

Subp. 2. Home use and land application. One of the vector attraction reduction requirements in items A to H must be met when bulk sewage sludge is applied to a lawn or a home garden or when sewage sludge is sold or given away in a bag or other container for application to the land.

A. The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

B. When the 38 percent volatile solids reduction requirement in item A cannot be calculated for an anaerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. When at the end of the 40 days the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

C. When the 38 percent volatile solids reduction requirement in item A cannot be calculated for an aerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge that

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has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

D. The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

E. Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

F. The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

G. The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials at the time the sewage sludge is applied to the land, at the time the sewage sludge is prepared for sale or given away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements of exceptional quality sewage sludge.

H. The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials, at the time the sewage sludge is applied to the land, at the time the sewage sludge is prepared for sale or given away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements of exceptional quality sewage sludge.

I. Sewage sludge shall be injected below the surface of the land.

(1) No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

(2) When the sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

J. Sewage sludge applied to the land surface shall be incorporated into the soil within six hours after application to the land unless specified otherwise by the permitting authority. When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

7041.1500 MONITORING REQUIREMENTS.

Subpart 1. **Sampling of sewage sludge.** Representative samples of sewage sludge that is applied to the land must be collected and analyzed by the person who prepares the sewage sludge. The following minimum requirements apply for the sampling of parameters except pathogens and pathogen indicator organisms:

A. in the case of digesters and liquid storage tanks, a representative sample must be composed of at least four grab samples composited over a 24-hour period; and

B. in the case of lagoons, stockpiles, drying beds, and compost piles, a representative sample must be composed of at least ten grab samples composited from the sewage sludge prior to land application.

Subp. 2. **Analysis.** Sewage sludge must be analyzed according to the analytical procedures in part 7041.3200 or other EPA approved methods for the parameters in items A to F. All analytical values, except pH and total solids, must be recorded on a dry weight basis:

A. percentage of total solids;

B. volatile solids as percentage of total solids;

C. pH;

D. major plant nutrients, including the percentages of kjeldahl nitrogen, ammonia nitrogen, phosphorus, and potassium;

E. concentration of metals in milligrams per kilogram of zinc, copper, lead, nickel, cadmium, mercury, arsenic, molybdenum, and selenium; and

F. polychlorinated biphenyls (PCBs) if the sewage sludge is being removed from a wastewater treatment pond described in part 7041.0300, subpart 1.

Subp. 3. Additional analysis or parameters. If the commissioner concludes that additional analysis or monitoring for additional parameters is needed to protect the public health or the environment, the commissioner shall require this analysis based on considerations about the sewage sludge in question, including the age of the sewage sludge, the size of the treatment facility, the processes used to treat the sewage sludge, the methods of land application, and the characteristics of industrial discharges to the sewer system.

Subp. 4. Frequency of monitoring. The minimum monitoring frequency for the parameters listed in subpart 2, the pathogen or indicator organism density requirements in part 7041.1300, subparts 2 and 3, and the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to D and F to H, shall be the frequency in this item.

MINIMUM SAMPLING FREQUENCIES

<u>Sludge Applied¹</u> <u>(metric tons/</u> <u>365-day period)</u>	<u>Sludge Applied¹</u> <u>(tons/365-day</u> <u>period)</u>	<u>Frequency (times/</u> <u>365-day period)</u>
<u>>0 but <290</u>	<u>>0 but <320</u>	<u>1</u>
<u>≥290 but <1,500</u>	<u>≥320 but <1,650</u>	<u>4</u>
<u>≥1,500 but <15,000</u>	<u>≥1,650 but <16,500</u>	<u>6</u>
<u>≥15,000</u>	<u>≥16,500</u>	<u>12</u>

¹Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge received by a person who prepares sewage sludge that is sold or given away in a bag or other container for application to the land (dry weight basis).

Subp. 5. Greater frequency of sewage sludge monitoring and analysis. Parameters exceeding concentrations in subpart 6, based on the average of all analyses made during the previous cropping year, must be analyzed for at least two times the minimum frequency given in subpart 4.

Subp. 6. Greater frequency of sewage sludge sampling and analysis.

GREATER FREQUENCY OF SEWAGE SAMPLING

**Concentration Expressed in
Milligrams/Kilogram of Dry Weight**

<u>Parameter</u>	<u>2X Frequency</u>
<u>Arsenic</u>	<u>38</u>
<u>Cadmium</u>	<u>43</u>
<u>Copper</u>	<u>2150</u>
<u>Lead</u>	<u>420</u>
<u>Mercury</u>	<u>28</u>
<u>Molybdenum</u>	<u>38</u>
<u>Nickel</u>	<u>210</u>
<u>Selenium</u>	<u>50</u>
<u>Zinc</u>	<u>3750</u>

Subp. 7. Reduction in monitoring frequency. After the sewage sludge has been monitored for two years at the frequency in subparts 4 and 6, the commissioner may reduce the frequency of monitoring for the parameters listed in subpart 2 and the pathogen density in part 7041.1300, subpart 2, item E, but in no case shall the frequency of monitoring be less than once per year when sewage sludge is applied to the land.

7041.1600 RECORDKEEPING.

Subpart 1. General requirements. A recordkeeping system must be initiated and maintained by the person who prepares sewage sludge. Records required to be kept by an applier who is different than the preparer must be supplied to the preparer for recordkeeping purposes.

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Subp. 2. Exceptional quality sewage sludge. The preparer of exceptional quality sewage sludge applied to the land either in bulk or sold or given away in a bag or other container must develop and retain the following information for five years:

A. the concentration of each parameter listed in part 7041.1500, subpart 2, items A to E;

B. the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class A pathogen requirements in *Minnesota Rules*, part 7041.1300, subpart 2, and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in *Minnesota Rules*, part 7041.1400, subpart 2, items A to H] has been prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

C. a description of how the Class A pathogen requirements in part 7041.1300, subpart 2, are met;

D. a description of how one of the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to H, is met;

E. a copy of written information required to be given as required in part 7041.0400, subpart 3; and

F. the quantity of exceptional quality sewage sludge provided to distributors or users if supplied in bulk and the quantity sold or given away in a bag or other container per 365-day period.

Subp. 3. Other Class A and Class B bulk sewage sludge. The preparer of other Class A and Class B bulk sewage sludge that is applied to the land must develop and retain the information in items A to G for five years and the information in items H to N indefinitely.

A. The concentration of each parameter listed in part 7041.1500, subpart 2, items A to E.

B. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the pathogen requirements in *Minnesota Rules*, part 7041.1300, subpart 2, [insert if Class A requirements are met] or *Minnesota Rules*, part 7041.1300, subpart 3, [insert if Class B requirements are met] and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in *Minnesota Rules*, part 7041.1400, subpart 2, items A to H, if one of those requirements is met] has been prepared under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements [and vector attraction reduction requirements, if applicable] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

C. A description of how the Class A or Class B pathogen requirement is met.

D. A description of how one of the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to J, is met.

E. A record of soil test data as required by part 7041.0800, site approvals, or permits.

F. The maximum available nitrogen application rate based on the realistic yield goal and vegetation grown on the site during the cropping year.

G. The known amount of available nitrogen applied during the cropping year from all sources expressed in terms of pounds per acre.

H. The location of the land application and stockpile sites on a United States Geological Survey quadrangle or soil survey map.

I. The legal description of the land application site and the number of acres to which bulk sewage sludge was applied.

J. The amount of bulk sewage sludge applied that cropping year and cumulatively expressed in terms of tons of sewage sludge solids per acre.

K. The amount of arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc applied that cropping year and cumulatively expressed in terms of pounds per acre.

L. The date bulk sewage sludge is applied to each site.

M. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements to obtain information in *Minnesota Rules*, part 7041.1000, subpart 2, item B, has been prepared for each site on which bulk sewage sludge is applied under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

N. A description of how the requirements to obtain information in part 7041.1000, subpart 2, item B, are met.

Subp. 4. Class A sewage sludge not meeting pollutant concentrations. The person who prepares Class A sewage sludge which does not meet the pollutant concentrations in part 7041.1100, subpart 4, item C, and is sold or given away in a bag or other container for application to the land, must develop and retain the following information for five years:

A. the annual whole sludge application rate for the sewage sludge that does not cause the annual pollutant loading rates in part 7041.1100, subpart 4, item D, to be exceeded;

B. the concentration of each parameter listed in part 7041.1500, subpart 2, items A to E, in the sewage sludge;

C. the following certification statement:

"I certify, under penalty of law, that the information used to determine compliance with the labeling requirements in *Minnesota Rules*, part 7041.1200, subpart 9, the Class A pathogen requirement in *Minnesota Rules*, part 7041.1300, subpart 2, and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in *Minnesota Rules*, part 7041.1400, subpart 2, items A to H] has been prepared under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practice, pathogen requirement, and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

D. a description of how the Class A pathogen requirements in part 7041.1300, subpart 2, are met; and

E. a description of how one of the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to H, is met.

Subp. 5. Appliers of bulk sewage sludge. The applier of bulk sewage sludge must provide the preparer with the information in items A and B.

A. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the management practices in *Minnesota Rules*, part 7041.1200, the site restrictions in *Minnesota Rules*, part 7041.1300, subpart 3, item D [insert if Class B sewage sludge is applied to the land], and the vector attraction reduction requirement in [insert *Minnesota Rules*, part 7041.1400, subpart 2, item I or J, if met] for each site on which bulk sewage sludge is applied has been prepared under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices and site restrictions have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

B. A description of how the management practices, site restrictions, and vector attraction reduction requirements, if options in part 7041.1400, subpart 2, item I or J, are met for each site on which bulk sewage sludge was applied.

7041.1700 REPORTING.

Subpart 1. Annual reporting requirements.

A. The information in part 7041.1600 must be recorded, as applicable, by the person who prepares the sewage sludge on a form provided or approved by the commissioner and submitted annually to the agency no later than December 31 following the end of the cropping year unless specified otherwise in a permit or approved management plan if applicable. If bulk sewage sludge is applied, the form must be prepared by or under the supervision of a Type IV certified operator or inspector employed by the person who prepares the bulk sewage sludge.

B. If bulk sewage sludge is applied on a site in Minnesota, the legal description of the site and the information in part 7041.1600, subpart 3, items M and N, do not have to be reported.

C. For the purpose of annual reports, the month instead of the date referenced in part 7041.1600, subpart 3, item L, shall be reported on the form provided or approved by the commissioner.

Subp. 2. Special reporting requirements. The preparer of bulk sewage sludge which is not exceptional quality sewage sludge must notify the agency, in writing, when 90 percent or more any of the cumulative pollutant loading rates in part 7041.1100, subpart 4, item B, has been reached for a site.

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Proposed Rules

7041.1800 PROVISIONS FOR SEWAGE SLUDGE FROM SEPTIC TANKS.

Subpart 1. General. The requirements in subparts 2 to 4 for application at agronomic rates, pathogen and vector attraction reduction, monitoring, recordkeeping, and reporting, unless specified otherwise in a permit, shall be met by persons who prepare the sewage sludge from septic tanks which is referred to in this part as septage.

Subp. 2. Agronomic rates. The agronomic application rate for septage applied to agricultural land, forest, or a reclamation site for a cropping year must be calculated using the equation in this subpart unless specified otherwise by the commissioner. The commissioner may specify the rate based on an actual nitrogen analysis.

$$AR = \frac{N}{0.0026}$$

Where,

AR = Application rate in gallons per acre for the cropping year.

N = The maximum available nitrogen application rate in pounds per acre per cropping year required by the crop based on realistic yield goals or nitrogen uptake by vegetation grown on the land minus the amount supplied by other sources such as manure or fertilizer.

Subp. 3. Pathogen and vector attraction reduction. To meet pathogen and vector attraction reduction requirements, the site restrictions in part 7041.1300, subpart 3, item D, must be met and either:

A. the pH of the septage must be raised to 12 or higher for 30 minutes by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes;

B. the septage is injected and no significant amount of the septage is present on the land surface within one hour after it is injected; or

C. the septage is incorporated below the surface of the land within six hours after application unless specified otherwise by the permitting authority.

Subp. 4. Monitoring, recordkeeping, and reporting. The permittee must obtain and keep on record for five years, the information required to be in compliance with this chapter including:

A. the following certification statement for all septage applied to the land:

"I certify, under penalty of law, that the information that will be used to determine compliance with the pathogen and vector attraction reduction requirements in subpart 2, item A, B, or C [insert either subpart 3, item A, B, or C] the management practices in part 7041.1200, and the site restrictions in part 7041.1300, subpart 3, item D, has been prepared under my direction and supervision according to the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.";

B. a description of how the pathogen and vector attraction reduction requirements are met. If alkali addition is used, records must indicate each container of septage applied is monitored for compliance with subpart 3, item A;

C. a description of how management practices and site restrictions are met;

D. a record of soil test data as required by part 7041.0800, site approvals, or permits;

E. the maximum available nitrogen application rate based on the realistic yield goal of the crop or vegetation grown on the site during the cropping year;

F. the amount of septage in gallons per acre applied that cropping year;

G. the legal description of the land application site;

H. the number of acres used;

I. the date septage is applied to the land; and

J. any other analysis or information required by the commissioner.

The information in items A to J must be recorded by the permittee on a form provided or approved by the commissioner and submitted annually to the agency no later than December 31 following the end of the cropping year.

7041.3000 CALCULATION OF AVAILABLE AND CARRY-OVER NITROGEN.

Subpart 1. Available nitrogen. The formulas in this subpart shall be used for the calculation of available nitrogen for the cropping year sewage sludge is applied to the land unless it has been demonstrated to the satisfaction of the commissioner with data from laboratory and/or field tests that another calculation based on sewage sludge or site-specific mineralization rates is more appropriate.

**POUNDS OF AVAILABLE NITROGEN PER TON
OF SEWAGE SLUDGE SOLIDS**

<u>Type of Stabilization</u>	<u>Application Method</u>	<u>Formula</u>
<u>Digested</u>		
<u>Anaerobic</u>	<u>Surface</u>	<u>(% organic-N x 4) + (%NH₃-N x 10)</u>
<u>Anaerobic</u>	<u>Incorporated¹ or injected</u>	<u>(% organic-N x 4) + (%NH₃-N x 20)</u>
<u>Aerobic</u>	<u>Surface</u>	<u>(% organic-N x 6) + (%NH₃-N x 10)</u>
<u>Aerobic</u>	<u>Incorporated¹ or injected</u>	<u>(% organic-N x 6) + (%NH₃-N x 20)</u>
<u>Stabilized primary and waste activated</u>	<u>Surface</u>	<u>(% organic-N x 8) + (%NH₃-N x 10)</u>
	<u>Incorporated¹ or injected</u>	<u>(% organic-N x 8) + (%NH₃-N x 20)</u>
<u>Composted</u>	<u>Surface</u>	<u>(% organic-N x 2) + (%NH₃-N x 10)</u>
	<u>Incorporated¹</u>	<u>(% organic-N x 2) + (%NH₃-N x 20)</u>

¹Incorporated within 48 hours

Subp. 2. First year carry-over nitrogen. First year carry-over nitrogen from the initial application of sewage sludge shall be calculated using the formulas in this subpart.

**FIRST YEAR CARRY-OVER NITROGEN FROM INITIAL
SEWAGE SLUDGE APPLICATION**

<u>Type of Stabilization</u>	<u>Pounds per Acre</u>
<u>Anaerobically digested</u>	<u>(% organic-N) x (1.6) x (tons per acre applied)</u>
<u>Aerobically digested</u>	<u>(% organic-N) x (2.1) x (tons per acre applied)</u>
<u>Stabilized primary and waste activated</u>	<u>(% organic-N) x (2.4) x (tons per acre applied)</u>
<u>Composted</u>	<u>(% organic-N) x (0.9) x (tons per acre applied)</u>

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Proposed Rules

Subp. 3. Second year carry-over nitrogen. Second year carry-over nitrogen from the initial application of sewage sludge must be calculated for aerobically digested and stabilized primary and waste activated sewage sludge if the initial application provided greater than or equal to 100 pounds of available nitrogen per acre. The following formula shall be used:

Second year carry-over nitrogen = (% organic-N) x (1.0) x (tons/acre applied).

7041.3100 PROCEDURE TO DETERMINE ANNUAL WHOLE SLUDGE APPLICATION RATE (AWSAR).

A. This part contains the procedure used to determine the AWSAR for a sewage sludge that does not cause the annual pollutant loading rates in part 7041.1100, subpart 4, item D, to be exceeded. The relationship between the annual pollutant loading rate (APLR) for a pollutant and the AWSAR for a sewage sludge is shown in the equation in this subpart.

$$\text{APLR} = C \times \text{AWSAR} \times 0.001$$

Where,

APLR = Annual pollutant loading rate in kilograms per hectare per 365-day period.

C = Pollutant concentration in milligrams, per kilogram of total solids (dry weight basis).

AWSAR = Annual whole sludge application rate in metric tons per hectare per 365-day period (dry weight basis).

0.001 = A conversion factor.

B. To determine the AWSAR, the equation in subpart one is rearranged as follows:

$$\text{AWSAR} = \frac{\text{APLR}}{C \times 0.001}$$

The procedure used to determine the AWSAR is described in subitems (1) to (4).

(1) Analyze a sample of the sewage sludge to determine the concentration for each of the pollutants listed in part 7041.1100, subpart 4, item D, in the sewage sludge.

(2) Using the pollutant concentrations from subpart 1 and the APLRs from part 7041.1100, subpart 4, item D, calculate an AWSAR for each pollutant using the equation in this subpart.

(3) The AWSAR for the sewage sludge is the lowest AWSAR calculated in this subpart.

(4) To convert the AWSAR to pounds per acre, multiply the AWSAR (in Kg/ha) by .892.

7041.3200 ANALYTICAL PROCEDURES FOR DETERMINING CONSTITUENTS IN SEWAGE SLUDGE SAMPLES.

The documents in items A to I are incorporated by reference and are available through the Minitex interlibrary loan system. They are not subject to frequent change.

A. Analytical Procedures for Determining Organic Priority Pollutants in Municipal Sludge, issued by the United States Environmental Protection Agency as EPA 600/2-80-030 (1980), also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 80-198401), 1-800-553-6847.

B. Method Development for Determination of Polychlorinated Hydrocarbons in Municipal Sludge, issued by the United States Environmental Protection Agency as EPA 600/2-80-029 (1980), also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 80-200793), 1-800-553-6847.

C. Enteric Viruses, ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," 1992 Annual Book of ASTM Standards: Section 11 — Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187.

D. Fecal Coliform, Part 9221E or Part 9222D, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

E. Helminth Ova, Yanko, W.S., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 88-154273/AS).

F. Inorganic pollutants, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 87-120-291). Third Edition and Revision I are available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street NE, Washington, DC 20002 (Document Number 955-001-00000-1).

G. Salmonella sp. bacteria, Part 9260D, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005; Kenner, B.A. and H.P. Clark, "Detection and enumeration of Salmonella and Pseudomonas aeruginosa," Journal of the Water Pollution Control Federation, Vol. 46, No. 9, September 1974, pp. 2163-2171, Water Environment Federation, 601 Wythe Street, Alexandria, Virginia 22314.

H. Specific oxygen uptake rate, Part 2710B, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

I. Total fixed, volatile solids, Part 2540G, "Standard Methods for the Examination of Water and Wastewater," 18th Edition, 1992, American Public Health Association, 1015 15th Street NW, Washington, DC 20005.

7041.3300 COLLECTION OF SOIL SAMPLES.

At a minimum, one soil sample shall represent an area of no more than 40 acres. Additional soil samples may be required if there are areas differing greatly in previous fertilization, liming, cropping history, land management, or soil texture. The soil must be sampled to a depth of six to nine inches from at least 15 to 20 random locations in the sampling area. The samples must be composited, thoroughly mixed, and subsampled for analysis. Approximately one pint of soil is necessary for analysis.

7041.3400 ANALYSIS OF SOILS.

Subpart 1. Analytical methods. Acceptable analytical methods for United States Department of Agriculture textural classification, organic matter, extractable phosphorus, exchangeable potassium, pH, and soluble salts are found in one or more of the publications in items A to C which are incorporated by reference. These documents are not subject to frequent change and are available through the Minitex interlibrary loan system or the addresses given.

A. Recommended Chemical Soil Test Procedures for the North Central Region, issued by the North Dakota Agricultural Experiment Station, North Dakota State University as North Central Regional Publication No. 221 (Revised) October 1988.

B. Methods of Soil Analysis, Chemical and Microbiological Properties edited by Alan Page et al., issued by the American Society of Agronomy as Agronomy Monograph No. 9 (Madison, Wisconsin, Part 2, second edition, 1982).

C. Procedures for Collecting Soil Samples and Methods of Analysis for Soil Survey, issued by the Natural Resources Conservation Service as Soil Survey Investigations Report 1 (revised) (Washington, D.C., United States Government Printing Office, 1984).

Subp. 2. Soil permeability. The documents in items A and B are incorporated by reference for determining soil permeability measurements for different soil types and soil horizons when the information is not available from the Natural Resources Conservation Service. These references are not subject to frequent change and are available through the Minitex interlibrary loan system or addresses given.

A. Determination by direct measurements in the field as outlined in chapter 29, Hydraulic Conductivity of Saturated Soils: Field Methods, in Methods of Soil Analysis, Physical and Mineralogical Methods, edited by Klute, issued by the American Society of Agronomy, 677 South Segoe Road, Madison, Wisconsin 53711, as Agronomy Monograph No. 9, Part 1, (Madison, Wisconsin, second edition 1986).

B. Determination in the laboratory using undisturbed soil samples as outlined in chapter 28, Hydraulic Conductivity and Diffusivity: Laboratory Methods in Methods of Soil Analysis, edited by Klute, issued by the American Society of Agronomy, 677 South Segoe Road, Madison, Wisconsin 53711, as Agronomy Monograph No. 9, Part 1, (Madison, Wisconsin, second edition 1986).

Subp. 3. Seasonal high water table. The documents in items A and B are incorporated by reference for determining the depth to and type of seasonal high water table for different soil types when the information is not available from the Natural Resources Conservation Service. These references are not subject to frequent change and are available through the Minitex interlibrary loan system or addresses given.

A. Determination of the depth of soil having mottles with a chroma of two or less as discussed on pages 15 to 17 of Keys to Soil Taxonomy, Sixth Edition (1994), issued by the Natural Resources Conservation Service (Washington D.C., United States Government Printing Office).

B. Measurement of water levels at monthly intervals over the course of one year in piezometers. The highest water level measurement obtained is acceptable as the seasonal high water table. Piezometers must be installed according to the Minnesota

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Adopted Rules

Department of Health Well Code, chapter 4725, available from Office of State Register, Minnesota Bookstore, 117 University Avenue, Saint Paul, Minnesota 55155.

7077.0105 DEFINITIONS.

[For text of subs 1 to 24, see M.R.]

Subp. 25. **Need.** "Need" means a new or upgraded wastewater treatment system is necessary for a municipality to comply with chapter ~~7040~~ 7041, 7050, 7060, or 7080.

[For text of subs 25a to 50, see M.R.]

REPEALER. Minnesota Rules, parts 7002.0220, subpart 8; 7040.0100; 7040.0200; 7040.0300; 7040.0400; 7040.0500; 7040.0600; 7040.0700; 7040.0800; 7040.1500; 7040.1600; 7040.1700; 7040.1800; 7040.1801; 7040.1802; 7040.1803; 7040.1804; 7040.1805; 7040.1806; 7040.1807; 7040.1808; 7040.1900; 7040.2000; 7040.2500; 7040.2600; 7040.2700; 7040.2800; 7040.2900; 7040.3000; 7040.3100; 7040.4000; 7040.4100; 7040.4200; 7040.4300; 7040.4400; 7040.4500; 7040.4600; and 7040.4700, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Children, Families, and Learning

Adopted Permanent Rules Relating to Education; Administrative and Supervisory Licensure; General Revision

The rules proposed and published at *State Register*, Volume 20, Number 52, pages 2739-2762, June 24, 1996 (20 SR 2739), are adopted with the following modifications:

3510.3100 SUSPENSION AND REVOCATION OF LICENSES.

Subp. 2. **Procedure for suspension and revocation of licenses.** The State Board of Education may act to suspend or revoke the license of a person whose license was granted by the Board of Education after the following procedures have been followed:

A. A written complaint that specifies the nature and character of the charges against the licensee is filed with the State Board of Education by either a student, parent, community member, the school board employing the person, or by the commissioner.

3512.0300 SCHOOL SUPERINTENDENTS AND PRINCIPALS.

Subp. 6. **Effective date.** After ~~July~~ December 31, 1996, persons who make application for licensure as a superintendent or principal must comply with this part.

3512.3000 LICENSE RENEWAL OF HEAD VARSITY COACHES OF INTERSCHOLASTIC SPORTS IN SENIOR HIGH SCHOOLS.

A person who holds or has held a license as a head varsity coach of interscholastic sports in senior high schools issued before ~~July~~ December 31, 1996, under parts 3510.7500 to 3510.7900 may continue to renew this license according to requirements of the Board of Teaching governing continuing education relicensure.

EFFECTIVE DATE. This rule is effective ~~July~~ December 31, 1996.

Minnesota Tax Court

Adopted Permanent Rules Relating to Tax Court Rules of Procedure

The rules proposed and published at *State Register*, Volume 21, Number 8, pages 234-239, August 19, 1996 (21 SR 234), are adopted with the following modifications:

8610.0040 FORM FOR APPEAL FROM ORDER OF COMMISSIONER.

Subpart 1. **Caption.** A notice of appeal from an order of the commissioner of revenue and all other papers filed with the tax court in its St. Paul office or in district court must contain a caption in the following form:

[The form of the caption is deleted in its entirety and replaced by the following form.]

STATE OF MINNESOTA

TAX COURT

_____	Appellant,	In The Matter of the Appeal from
		the Commissioner's Order dated
		_____ relating to
	vs.	_____ (type of) tax of
		_____ for the
Commissioner of Revenue,		year ending _____
Appellee.		

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

**Adopted Exempt Rules Relating to Federal Occupational Safety and Health Standards;
Adoption by Reference**

The rules proposed and published at *State Register*, Volume 21, Number 13, pages 418-420, September 23, 1996 (21 SR 418), are adopted as proposed.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration

Notice of Regular Meetings of the Small Business Procurement Advisory Council

NOTICE IS HEREBY GIVEN that effective January 16, 1997, the Small Business Procurement Advisory Council will hold its regularly scheduled meeting at 11:00 a.m. on the third Thursday of each month in the Minneapolis Room, 112 State Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

For further information, please contact Wendy VanKuyk at 612.297.4412 (TTY/TDD ONLY 612.282.5799).

Minnesota Comprehensive Health Association

Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 9:00 a.m. on Tuesday, December 10, 1996. The meeting will be at Allina Health System, 5601 Smetana Drive, Edina, MN, in conference room #400.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Legislative Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Legislative Committee will be held at 7:30 a.m. on Monday, December 2, 1996. The meeting will be at the Minnesota Comprehensive Health Association, 5775 Wayzata Boulevard, St. Louis Park, in suite 910, located on the 9th floor.

For additional information, please call Lynn Gruber at (612) 593-9609.

Gambling Control Board

Request for Comments on Planned Amendment to Rules Governing: *Minnesota Rules* 7861.0020 - Licensed Organizations, *Minnesota Rules* 7861.0030 - Gambling Manager, *Minnesota Rules* 7861.0040 - Premises Permits, *Minnesota Rules* 7861.0050 - Illegal Gambling, and *Minnesota Rules* 7861.0120 - Organization Operations, Accounts, and Reports

Subject of Rules. The Minnesota Gambling Control Board requests comments on its planned amendment to rules governing licensed organizations, gambling managers, premises permits, illegal gambling, and organization operations, accounts, and reports. The Board is considering rule amendments that would:

- eliminate the requirement of submitting a sketch of the leased premises along with license renewal applications, if there are no changes;
- incorporate the requirements of *Minnesota Statutes* 349.16, subd. 9 (1995) regarding the timeframe within which an organization must file a complete application for an organization license, premises permit, and gambling manager license;
- reduce the number of days that an organization license is lapsed for failure to submit complete license renewal information;

- eliminate the requirement that organizations file expense calculations with the Board, and replace it with language requiring timely tax filing with the Commissioner of Revenue;
- address the issue of discipline against organization licenses and premises permits when illegal gambling is conducted at a site where lawful gambling is permitted and conducted; and
- establishing criteria to be used in considering fund loss requests, and addressing other issues involving fund losses.

Persons Affected: The amendment of the rules would likely affect licensed organizations, licensed gambling managers, and owners of premises where lawful gambling is conducted.

Statutory Authority: *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(2) authorizes the Board to issue licenses to organizations, distributors, bingo halls, manufacturers, and gambling managers. *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(5) authorizes the Board to make rules authorized by chapter 349. *Minnesota Statutes*, chapter 349.151, Subd. 4(a)(10) authorizes the Board to issue premises permits to organizations licensed to conduct lawful gambling. *Minnesota Statutes*, Chapter 349.151, Subd. 4(a)(17) authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or withdraw the rules. The Board plans to appoint an Advisory Committee to comment on the planned rules.

Rule Drafts. The Board has not yet prepared a draft of the planned rule amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive rule drafts, and requests for more information on these planned rules should be addressed to:

Sharon A. Beighley, Rules Coordinator
Minnesota Gambling Control Board
1711 West County Rd B, #300S
Roseville MN 55113
612-639-4035

TDD users may call the Board at 1-800-627-3529.

Alternative format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this Notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 2 December 1996

Harry W. Baltzer, Executive Director
Minnesota Gambling Control Board

Department of Health

Family and Provider Compliance Division

Interagency Long Term Care Planning Committee

Request for Proposals for Exception to the Nursing Home Moratorium

Purpose

The Interagency Long Term Care Planning Committee (INTERCOM) is accepting proposals from nursing homes and boarding care homes requesting an exception to the nursing home moratorium. The Commissioner of Health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*, §144A.073. These conditions refer to four categories of exceptions which are defined as:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.

Official Notices

- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.

(NOTE: *Minnesota Statutes*, § 144A.071 ALLOWS PROJECTS WITH COSTS *LESS THAN \$562,664 OR 25% OF THE FACILITY'S APPRAISED VALUE TO PROCEED WITHOUT APPLYING FOR AN EXCEPTION UNDER THIS PROCESS.*)

- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

Administrative Rules

Proposed rules governing procedures for exceptions to the nursing home bed moratorium were published in the May 25, 1995 *State Register*, and notice of their adoption was published in the *State Register* on August 21, 1995. They became effective August 28, 1995.

Proposed rules governing the physical plant of nursing homes were published in the January 2, 1996 *State Register*, and notice of their adoption was published in the *State Register* on August 12, 1996. They became effective November 10, 1996.

Appropriation Available

The amount of the legislative appropriation available for the total additional annual costs to the medical assistance program for this RFP is \$22,408.

Please note: Because of the relatively small remaining appropriation, the timeline for this RFP has been shortened from the normal timeline for nursing home moratorium exceptions RFPs.

Eligibility

A proposal for an exception to the moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to INTERCOM.

Criteria for Review

The following criteria shall be used in a consistent manner, equally weighed, to compare, evaluate, and rank all proposals submitted:

- 1) the extent to which the proposal furthers state long-term care goals designed to maximize independence of the older adult population, and to ensure cost-effective use of financial and human resources;
- 2) the cost effectiveness of the proposal;
- 3) the extent to which the proposal promotes equitable access to long term care services in nursing homes across the state;
- 4) the extent to which the proposal improves the health and safety of residents;
- 5) the extent to which the proposal promotes the comfort or quality of life of residents;
- 6) the extent to which the applicant demonstrates a history of quality care provided in the facility; and
- 7) the extent to which the project reduces the need for waivers from regulations.

Method for estimating proposal cost

The method that INTERCOM will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is available in the Application Materials.

Procedure for Receiving Application Materials

The complete request for proposals, including instructions, format and necessary forms, is available upon *written or facsimile* request to :

Pat Robertson
Minnesota Department of Health
Facility and Provider Compliance Division
P.O. Box 64900
393 North Dunlap Street
St. Paul, MN 55164-0900
Fax # (612) 643-2593

Review and approval of proposals

INTERCOM has appointed an advisory review panel composed of representatives of consumers and providers to review proposals and provide comments and recommendations to INTERCOM. A public hearing on the proposals will be held by INTERCOM no later than March 24, 1997. INTERCOM must submit recommendations for approval or disapproval of projects to the commissioner of Health no later than March 28, 1997. The commissioner of health must approve or disapprove a project within 30 days after receiving the committee's recommendations, or no later than April 27, 1997. The commissioner of health must send a written notice of approval or disapproval to the proposer no later than May 7, 1997.

Questions Concerning the Applications Process

Any questions relating to the Request for Proposals / Applications process may be submitted by prospective applicants in writing to Linda Sutherland (see address below). **NO ANSWERS WILL BE PROVIDED IN RESPONSE TO PHONE CALLS.** Each question must cite the particular Application Materials page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested Application Materials. Only responses in writing by Linda Sutherland will be considered official. If questions have been submitted, responses to those questions will be mailed December 19, 1996 and January 22, 1997. The closing date for the receipt of questions will be 4:00 p.m., January 20, 1997.

Technical assistance in completing the RFP application forms is available from Patti Cullen at Care Providers of Minnesota at 612/854-2844, or Duane Elg at Minnesota Association of Homes for the Aging, at 612/331-5571.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. Five written copies of the completed proposal must be received in her office no later than 4:00 p.m., January 31, 1997 by:

Linda Sutherland
Minnesota Department of Health
Facility and Provider Compliance Division
P.O. Box 64900
393 North Dunlap Street
St. Paul, MN 55164-0900

Department of Human Services

Vacancies on Medicaid Citizen's Advisory Committee

Pursuant to 42 *Code of Federal Regulations* 431.12 (42 CFR §431.12), the Minnesota Department of Human Services seeks applications from Medical Assistance (Medicaid) recipients who are interested in serving on the Medicaid (Title XIX) Citizen's Advisory Committee. In general, the purpose of the committee is to ensure that continued high quality health and medical services are provided to low-income persons. The committee, representing Medicaid recipients, advises the Department and helps define what the Medicaid Program should be in relationship to future technological needs. Specifically, the committee explores designated problem areas, evaluates Department programs, makes specific recommendations and resolutions, and contributes to the formulation of Department policy and standards.

In 1996, the Medicaid Citizen's Advisory Committee heard presentations about and advised the Department on the issues of federal health care reform; access to dental care in managed care plans; the Department's contractual alternative payment rate system for nursing home services; the Department's MinnesotaCare Health Care Reform and Minnesota Senior Health Options waivers; managed care for people with disabilities (pilot project); the Medicare Maximization Project; the prior authorization outsourcing contract; performance measurement and quality improvement; strategies for the elderly and long term care/disabled/families and children; and the recently enacted federal welfare legislation.

New members will be appointed for the last year of a two-year appointment that began in January, 1996. Committee meetings are held quarterly at the Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota.

For further information, contact Stephanie Schwartz, Minnesota Department of Human Services at (612) 297-7198, or send a letter of interest to Stephanie Schwartz, HCFA Relations and Legislation Unit, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3853. Letters of interest will be accepted until December 30, 1996.

Official Notices

Executive Council State Board of Investment Land Exchange Board Investment Advisory Council

Official Notice of Meetings of the Executive Council, State Board of Investment, Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Thursday, December 12, 1996 at 8:30 A.M. in Room 112, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Wednesday, December 11, 1996 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective December 2, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Install Electrical and Telephone Equipment-Blaine; Northdale Middle School Telephone Equipment-Coon Rapids.

Blue Earth: Crawford "C" Wing Toilet/Shower Remodeling MSU-Mankato.

Clay: Penthouse Renovations-Moorhead.

Hennepin: Oxbow Creek Elementary & Champlin Park High School Telephone Equipment-Champlin; Richard R. Green Central Park School Security Improvements-Minneapolis; Demolition of 11 Oak Street Building U of M-Minneapolis; Addition and Remodeling Southwest High School-Minneapolis; 1997 Roof Replacement Lind Hall-Minneapolis; 1997 Roof Replacement Nolte Center-Minneapolis.

Olmsted: Fire Protection/Remodeling Rochester Community College-Rochester.

Ramsey: Highland Park Senior High School Reroofing-St Paul; 1997 Roof Replacement Veterans Hospital-St Paul; 1997 Roof Replacement Greenhouse Headhouse-St Paul.

St Louis: Window Replacement for ISD 701-Hibbing.

Washington: Wiring Distribution Systems South Washington County Schools-Cottage Grove.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Department of Natural Resources

Division of Minerals

Request for Comments on Planned Amendment to Rules Governing Mineland Reclamation *Minnesota Rules Chapter 6130*

Subject of Rules. The Department of Natural Resources, Division of Minerals, requests comments on its planned amendment to rules governing taconite and iron ore mineland reclamation. The Department is considering rules amendments relating to performance bonds, vegetation requirements, standards for rock, lean ore, and coarse tailings stockpiles, blasting requirements, management of runoff, and portions of the rules dealing with administrative procedures.

Persons Affected. The amendment to the rules would likely affect iron ore and taconite mining companies that are currently engaged in taconite iron ore mining in Minnesota or that may engage in mining in Minnesota in the future. The department does contemplate appointing an advisory committee to comment on the planned amendment to the rules.

Statutory Authority. *Minnesota Statutes*, sections 93.44 through 93.51, require the agency to adopt rules to provide for the reclamation of lands subjected to mining to control possible adverse environmental effects of mining, to preserve the natural resources, and to encourage the planning of future land utilization, while at the same time promoting the orderly development of mining, the encouragement of good mining practices, and the recognition and identification of the beneficial aspects of mining.

Public Comment. Interested persons or groups are requested to submit comments or information on this planned amendment to the rules before January 20, 1997. However, interested persons or groups may submit comments or information on this planned amendment to the rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the amendment to the rules.

Rules Drafts. The department has prepared a draft of the planned amendment, but is not currently proposing this as its final draft. On the basis of comments received to this draft the department intends to prepare a proposed amendment to submit to the administrative law judge when a proceeding to adopt rules is started.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the amendment to the rules, and requests for more information on this planned rule amendment should be addressed to:

Paul Pojar
Department of Natural Resources
Division of Minerals
500 Lafayette Road
Saint Paul, Minnesota 55155-4045 telephone 612-296-1049

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address listed above.

Note: Comments submitted in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 2 December 1996

Rodney W. Sando, Commissioner
Department of Natural Resources

Pollution Control Agency

Water Quality Division

Notice of Intent to Approve the Creation of the Shorewood Acres Sanitary District in Accordance with *Minnesota Statutes* § 115.20

The Minnesota Pollution Control Agency (MPCA) has been petitioned by the Minneota Township Board, the Jackson County Board of Commissioners and 30 property owners located within the territorial boundaries of the proposed district, to approve the creation of the Shorewood Acres Sanitary District. The purpose of the sanitary district is to provide the residents within its boundaries with an adequate wastewater collection and treatment system to prevent the contamination of any water supply. The territory of the proposed sanitary district is described as:

Those portions in the Fractional Southeast Quarter of Section 35, Township 101 North, Range 36 West of the 5th Principal Meridian, Jackson County, Minnesota, as described as follows:

Shorewood Acres 1st Addition, Lots 1 - 21; Shorewood Acres 2nd Addition, Lots 1 - 14; Shorewood Acres 3rd Addition, Lots 1 - 10; Shorewood Acres 4th Addition, Block 2, Lots 3, 4 and 5; and commencing at the east corner of Section 35, Township 101 North, Range 36 West of the 5th Principal Meridian; thence south along east line of said section, a distance of 972.00 feet; thence south 88°51'05" west, a distance of 50 feet, to the point of beginning; thence south 88°51'05" west, a distance of 746.45 feet; thence south 79°50'40" west, a distance of 115.00 feet; thence south 01°09'20" east, a distance of 230 feet; thence south 89°47'02" east, a distance of 125 feet; thence south 07°57'19" east, a distance of 523.33 feet; thence north 71°13'02" east, a distance of 170.38 feet; thence south 87°50'00" west, a distance of 751.83 feet; thence north, a distance of 626.75 feet to the point of beginning.

A contained in Minneota Township. A map of the area is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on January 2, 1997. The written request for a hearing must state your interest in the petition, the nature of your objection and the reason for your objection. If 25 or more timely requests for hearing are received; the MPCA will schedule a hearing prior to making a determination on the petition. If timely requests for hearing are not received, the MPCA will make a decision on the petition at a future meeting of the MPCA Board.

A copy of the petition, resolutions, map of the area within the proposed sanitary district with legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions and request for hearing regarding the creation of the sanitary district and requests for information must be submitted in writing to:

Debra Moynihan	Telephone: (612) 296-5426
Point Source Compliance Section	1-800-657-3864
Water Quality Division	Out of state 1-800-627-3529
Minnesota Pollution Control Agency	TTY (612) 282-5332
520 Lafayette Road North	Fax: (612) 297-8683
St. Paul, Minnesota 55155-4194	

This notice, the petition, and other documents relevant to this petition can be made available in other formats, including Braille, large print, and audio tape, upon request.

Peder A. Larson
Acting Commissioner

Public Employees Retirement Association

Notice of Meetings of the Board of Trustees and Committees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, December 5, 1996 at 10:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200, Saint Paul, Minnesota.

A meeting of the Legislative Committee of the Board of Trustees will be held on Thursday, December 5, 1996, at 9:00 a.m. in the offices of the association.

A meeting of the Personnel Committee of the Board of Trustees will be held on Wednesday, December 4, 1996, at 9:30 a.m. in the offices of the association.

Minnesota Department of Public Service

Request for Comments on Planned Amendments to Rules Governing the Minnesota Energy Code, Minnesota Rules Chapter 7670

Subject of Rules. The Minnesota Department of Public Service requests comments on its planned amendments to rules governing the Minnesota Energy Code, a portion of the State Building Code. The Department is considering rule amendments that would modify the minimum criteria for buildings concerning the thermal envelope, HVAC system, service water heating, and electrical systems. Planned modifications for residential building would replace the current reference to the Canadian R-2000 standard for residential buildings. Changes are being considered to add criteria for assuring performance of thermal insulation that would affect the air tightness of buildings and mechanical ventilation for all residential buildings. The Department is also considering rule amendments that would specify minimum criteria for alterations to existing buildings.

Persons Affected. The amendments to the rules would likely affect home builders, contractors, engineers, architects, commercial building owners and managers, building officials and other stakeholders in the building industry.

Statutory Authority. *Minnesota Statutes*, section §216C.19, subdivision 8, §216C.195, and §16B.165 authorizes the Department to adopt rules governing building design and construction standards regarding heat loss control, illumination and climate control so that building design and construction standards are consistent with the most efficient use of energy.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Department intends to amend the rules.

Rules Drafts. The Department currently has prepared a draft of portions of the planned rule amendments, and will eventually prepare a draft of the entire planned rule. A copy of these drafts is available at no charge by contacting the agency contact person.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Bruce Nelson, Senior Engineer, Department of Public Service, 121 East 7th Place, Suite 200, St. Paul, MN 55101, phone (612) 297-2313, fax (612) 297-1959, Email bdnelson@dpsv.state.mn.us. The agency contact person may also be reached through the Energy Information Center toll-free number, 1-800-657-3710. TTY users may call the Department at (612) 296-3067.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. However, all comments received will be considered in the process of drafting the proposed rules.

Dated: 19 November 1996

Krista L. Sanda, Commissioner
Department of Public Service

Department of Transportation

Notice of Acceptance of Applications for Assistance Through the Port Development Assistance Program

The Minnesota Department of Transportation, Office of Freight, Railroads and Waterways is accepting applications for assistance through the Port Development Assistance Program from December 15, 1996 until January 31, 1997. Program information may be obtained from, and applications will be accepted for the Commissioner of Transportation by:

Dick Lambert
Office of Railroads & Waterways
Suite 925 Kelly Annex
Transportation Bldg.
St. Paul, MN. 55155
Telephone# (612) 296-1609

State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Children, Families and Learning

Notice of Grant Availability for Licensing Costs for School Age Child Care Programs

The Department of Children, Families and Learning announces the availability of grants to cover some of the costs necessary in meeting state licensing regulations for school age child care programs. Grants of \$5,000, \$10,000 or \$15,000 will be available. Funds will be available January of 1997 and must be expended by September 1997. Eligible organizations must be in the process of being licensed and your application must be currently being reviewed by the Minnesota Department of Human Services Child Care Licensing Division.

A letter of intention and proposed budget must be submitted by 4:00 p.m. December 20, 1996. Required forms and information can be obtained from Catharine Cuddeback at 612-296-1436.

Department of Corrections

Notice of Availability of Funds for Sexual Assault Prevention

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of federal grant funds to develop projects designed to prevent rape, sexual assault, and/or incest. Approximately \$408,960 is available for prevention projects in unserved counties, unserved American Indian reservations/communities and for unserved/underserved populations that are not currently funded through the department to provide sexual assault services.

A total of ten grants of \$40,896 each are available for the fifteen-month period from April 1, 1997, through June 30, 1998. Of the funds available, at least \$153,000 will be for proposals addressing prevention efforts for children and youth. Nonprofit organizations, Indian tribal governments and local units of government are eligible to apply for funds.

Applications are due on February 13, 1997. To receive a request for proposals that provides complete information and describes how to apply, contact: Minnesota Department of Corrections, Victim Services Unit, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219 or call (612) 642-0251, (800) 657-3679 outside the Twin Cities metropolitan area, or TTY at (612) 643-3589.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Department of Children Families and Learning

Offices of Community Services

Notices of Request for Proposal to Provide Logistical Arrangements for Child Care Programs

The Department of Children, Families and Learning is soliciting proposals from qualified vendors to provide the logistical structure for gathering public input.

The Department of Children, Families and Learning has applied for and received federal Child Care and Development Block Grant funds to enhance the infrastructure of the child care system in Minnesota. The Department will sponsor statewide opportunities for public assistance and involvement in the Cultural Dynamics Education Project Advisory Committee, Minnesota School Age Child Care Training Network, Project EXCEPTIONAL, and public hearings on Minnesota's Child Care and Development Fund plan.

The Department has estimated that the cost of this project should not exceed \$50,000. The project period will be March 1997 through December 1997. Logistics coordination is needed for 4 Cultural Dynamics Education Project advisory committee meetings, 11 public hearings on the Child Care and Development Funds, 4 Project EXCEPTIONAL team meetings and Minnesota School Age Child Care Training Network meetings throughout Minnesota. The following provisions will be the tasks of the vendor:

1. Identify options for facilities in each of the 11 Minnesota Economic Development regions to serve as host facilities for meetings, trainings or public hearings.
2. Contract with facilities for meetings, trainings or public hearings. Set up all of the meeting logistics.
3. Develop a publicity campaign for each meeting, training or public hearing.
4. Coordinate invitations and registration for meetings, trainings or public hearings.
5. Contract with individuals to serve as facilitators/presenters.
6. Provide reimbursement for trainers, advisory committee members, and other participants for meetings, trainings or public hearings for: mileage, lodging, meals, parking, child care and child care provider substitute wages.
7. Handle and report all expenses including payment for facilities, printing, postage, presenter fees and other costs associated with specific activities.
8. Develop an alternative plan for more efficiently gathering public input and relaying information using interactive technology.
9. Maintain regular contact with the State.
10. Attend State meetings, trainings or public hearings upon request.

For complete information on the Request for Proposal, please contact Michelle Weber, Department of Children, Families and Learning, 444 Lafayette Road, St. Paul, Minnesota 55155-3832, telephone (612) 297-5979, fax (612) 297-1949.

Completed proposals are due by 4:00 p.m. on January 6, 1997.

In compliance with the *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

JOINT NOTICE

Departments of Employee Relations and Human Services

Notice of Request for Proposal for Dental Care Services

The Minnesota Departments of Employee Relations (DOER) and Human Services (DHS) are soliciting proposals from dental Entities to provide dental care services on a statewide or regional basis to all of the following populations:

Populations covered by DOER:

- a. Persons covered by the State Employees Group Insurance Program (SEGIP): state employees, their dependents, state retirees, and their dependents;
- b. Public employees and their dependents who participate in the Public Employee Insurance Program (PEIP).

Populations covered by DHS:

- a. Persons covered by the Medical Assistance Program (MA);
- b. Persons covered by the General Assistance Medical Care Program (GAMC); and
- c. Persons covered by the MinnesotaCare Program.

For state fiscal year 1996, dental care purchasing programs operated by DOER and DHS covered approximately 770,000 people in the populations described above.

Entities responding to this Request For Proposal (RFP) must propose to provide dental care services to all populations covered by DOER and DHS. Although DOER and DHS seek statewide dental access, both agencies are also interested in responses from Entities that could deliver these services regionally.

Entities must respond with a separate rate bid for each program (SEGIP, PEIP, MA, GAMC, and MinnesotaCare). In each program's rate bid, the Entity must include at least two rates: one which assumes full-risk, and another one which is based on partial-risk or non-risk rates. Partial-risk and non-risk rate bids will not be considered if they are not accompanied by a full-risk rate bid for each program.

Rate bids for each program must be self-supporting and based exclusively on the claims and utilization experience for that respective program. Because the funding for each program is unique, cross-subsidization between programs is not acceptable.

Entities must demonstrate their ability to educate their providers to manage the utilization of dental services to ensure that cost, quality, and utilization are appropriate.

The contract between the state and each successful Entity will require that all providers, subcontractors, or vendors of dental care services available to enrollees of SEGIP or PEIP will contractually agree to serve enrollees in the MA, GAMC, and MinnesotaCare. There shall be no exceptions to this requirement.

The state reserves the right to select proposals that best fit its needs and the needs of its eligible enrollees and reject any proposal. This Request For Proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Statement of Purpose

The state intends to assure appropriate access to dental care for all persons covered by its programs with an adequate number of dentists, who participate in serving persons covered by its programs, particularly in rural areas of the state.

The state intends to ensure that utilization of dental services by the populations it covers is managed appropriately.

Anticipated Results

The state anticipates contracting with a single Entity to provide dental services to the SEGIP, PEIP, MA, GAMC, and MinnesotaCare populations on a statewide basis.

To ensure choice, the state also expects to contract with a number of Entities to provide dental services to the SEGIP, PEIP, MA, GAMC, and MinnesotaCare populations on a regional basis.

The dental benefit sets and rates will vary with each population and will be determined independently of the other populations.

For SEGIP and PEIP, dental services provided are expected to be managed by the contracted Entities based upon the concept of appropriate utilization. Each responding Entity should propose its definition of this concept. The final definition will be negotiated with the successful Entity(ies) and will be included in the contract.

For MA, GAMC, and MinnesotaCare, the existing definition of medical necessity will continue to apply.

Professional, Technical & Consulting Contracts

The only benefit set to be made available to the SEGIP population is that of the State Dental Plan, currently underwritten by Delta Dental, and set forth in Appendix B of the RFP. The benefit sets to be made available to the other populations are set forth in Appendices C and D of the RFP.

The Entity which, in the opinion of the state, demonstrates it can best serve the DOER populations on a statewide basis will be designated as the State Dental Plan for SEGIP and the statewide primary carrier for PEIP.

Entities which serve the DHS populations on a statewide basis will be the default choice of dental provider in any area where there is a choice of Entities.

The complete request for proposal which contains detailed specifications may be obtained by writing or contacting:

B.J. "Hannah" Hannah
Project Leader/Facilitator
Alliance For Purchasing Excellence (APEX) Project
MN Dept. of Employee Relations
658 Cedar
200 Centennial Building
St. Paul, Minnesota 55155
Phone#: (612) 296-3159 FAX#: (612) 296-5445

Entities interested in responding to this request for proposal may ask for the request for proposal on a 3.5 inch diskette in MicroSoft for Windows version 6.0 and/or in paper format. The complete request for proposal will be available to be mailed on December 2, 1996.

Other DHS and DOER personnel are NOT allowed to discuss the request for proposal.

The Departments encourage Entities to send a representative to the Information Session, which will be held on:

Wednesday, December 18, 1996, at 9:00 a.m.
in State Office Building, Room 10 (Hearing Room 1st Floor),
Constitution Avenue, St. Paul, Minnesota.

This Information Session will include a presentation and a question-and-answer period where written questions previously submitted or submitted during the session will be answered by state staff. Questions asked from the floor must be in writing and will be answered as time permits. Written questions which could not be answered during the session will be prepared in writing and distributed within five (5) business days to all attendees at the Information Session and all prospective responders who have submitted questions. No information will be given out prior to the information session.

An RSVP is requested by Monday, December 16th, and must be submitted to the above address.

Please address all questions and comments in writing pertaining to the RFP to the above address. All questions pertaining to this RFP are due in writing to DOER at the above address by 4:00 P.M., Wednesday, January 15, 1997. All answers to written questions submitted will be prepared in writing and distributed within five (5) business days to all attendees of the Information Session and all prospective responders.

Proposals are due and must be received by 4:00 P.M., Monday, February 3, 1997, by:

Budd Johnson
Minnesota Department of Employee Relations
Manager, State Employee Group Insurance Program
658 Cedar
200 Centennial Building
St. Paul, Minnesota 55155
FINAL PROPOSALS WILL NOT BE ACCEPTED VIA FAX

Professional, Technical & Consulting Contracts

Department of Human Services

Health and Continuing Care Strategies

Notice of Request for Proposal for Prepaid Health Plans

The Department of Human Services (Department) is seeking proposals from qualified health plans to provide comprehensive health care services to the Medical Assistance (MA) and General Assistance Medical Care (GAMC) populations. The Department is interested in proposals that would provide prepaid health care services to all eligible MA and GAMC enrollees in nine counties.

ESTIMATED NUMBER OF ELIGIBLE ENROLLEES BY COUNTY*

COUNTY	MA RECIPIENTS	GAMC RECIPIENTS	X 80%	ESTIMATED RECIPIENTS
Becker	4225	560	=	3828
Clay	6865	889	=	6203
Faribault	1560	182	=	1394
Isanti	2441	221	=	2130
Kandiyohi	5250	532	=	4626
Mahnomen	966	136	=	882
Martin	2360	263	=	2098
Norman	1025	96	=	897
Swift	1138	79	=	974
TOTALS	25,830	2,958	=	23,032

*The data used to calculate potential managed care enrollees is based on calendar year 1995 monthly average of enrollees as of July 16, 1996 by county of residence. It is estimated that 20% of all MA/GAMC eligibles are excluded populations who would not enroll in managed care.

The enrollment process will begin in some of the counties as early as June 1997. The contract period covered by this RFP will be from January 1, 1997 to December 31, 1997. Contracts with qualified health plans may be renewed for subsequent contract periods.

Prepaid health plans must be able to provide all MA and GAMC covered services and must be able to accept financial risk. Contracts will be awarded based upon: (1) capacity and geographic accessibility of service delivery sites; (2) ability to comply with service delivery standards appropriate to the demographic characteristics of the population to be enrolled; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint, appeal and reporting requirements. The commissioner reserves the right to reject any proposal.

The complete request for proposal which contains detailed specifications may be obtained by writing or contacting:

Tom Fields
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: (612) 297-7303

Mr. Fields is the only person at the Department of Human Services authorized to answer questions regarding this document.

Organizations interested in responding to this request for proposal may ask for the request for proposal either on a 3.5 inch diskette in WordPerfect for DOS version 6.1 format and/or in paper format. The complete request for proposal will be available to be mailed on December 2, 1996.

The deadline for submitting any proposal is Monday, January 27, 1997, by noon. Incomplete responses or responses submitted after this time may be rejected.

Minnesota Planning

Environmental Quality Board

Notice of Request for Proposals for Cost Benefit Analysis of Energy Conservation Technologies

The Minnesota Environmental Quality Board will contract for research services to complete a study of the costs and benefits associated with implementing existing energy conservation measures. The emphasis will be on residential applications. The successful respondent will apply skills and experience in economic and environmental analysis to this project.

For a copy of the complete Request for Proposal contact:

Name: Jonathan J. Hubschman
Title: Project Leader
Address: 658 Cedar Street, Third Floor, St. Paul, MN 55155
Phone: (612) 296-3926

Proposals are due at the EQB at 4:00 p.m., January 10, 1997.

Minnesota Planning

Environmental Quality Board

Notice of Request for Proposals for Fiscal Analysis of Tax Measures for Economic and Environmental Efficiency

The Minnesota Environmental Quality Board will contract for research services to complete a fiscal analysis of the value of accelerated depreciation on capital equipment as a means to foster pollution prevention and economic competitiveness. The successful respondent will apply skills and experience in financial and environmental analysis to this project.

For a copy of the complete Request for Proposals contact:

Name: Jonathan J. Hubschman
Title: Project Leader
Address: 658 Cedar Street, Third Floor, St. Paul, MN 55155
Phone: (612) 296-3926

Proposals are due at the EQB at 4:00 p.m., January 10, 1997.

Minnesota Department of Public Service

Telecommunications Division

Notice of Request for Proposals to Assist in Developing Positions on Issues Related to Interconnection Proceedings under the 1996 Telecommunications Act and Costs of Providing Services

I. Introduction

The Minnesota Department of Public Service (Department) is soliciting proposals from qualified consultants to assist in developing the Department's positions on a variety of issues that will arise in interconnection-related proceedings under the 1996 Telecommunications Act and proceedings to determine local exchange carrier (LEC) resale rates or costs of providing service. Specifically, consultants are sought who are capable of doing the following tasks: determine reasonable resale and retail rates for incumbent local service providers; determine the elements of interconnection; determine telecommunication provider costs of service; develop tariffs for local telephone service in conformity with federal and state law; evaluate company-proposed tariffs; and be capable of evaluating alternative pricing proposals and regulatory frameworks.

Professional, Technical & Consulting Contracts

II. Qualification of Respondents

Qualified respondents should be able to demonstrate experience and expertise in telephone network architectures and in the costing and pricing models generally employed in the industry. Respondents should have experience in determining interconnection elements, in unbundled pricing elements, and in establishing cost based retail and wholesale pricing schedules for end-user services and for service elements. Respondents should have experience in evaluating financial conditions of local phone companies. Respondents must also have experience in testifying on related matters in an administrative law setting. Prior participation as an expert witness in a civil trial or contested case proceeding is essential.

The qualified respondent will provide a list of every commission or regulatory body before which the consultant/firm has presented similar testimony.

III. Scope of Project

A. Duration of the Project

The duration of this project is anticipated to be from January 1, 1997 to December 30, 1997. The initial contract may be renewed or extended for up to a year at the discretion of the Department. The consultant's recommendations must be defensible by the consultant in sworn testimony in a contested hearing and/or arbitration or presented in other written documents or reports.

B. Tasks to be Performed

The Department's objective is to have experts review and critique the positions of incumbent local service providers and new entrants to the local service market with respect to their interconnection and resale arrangements, their retail and wholesale prices, and their costs of providing service. Federal and state legislation have the goal of creating conditions for competition in the provisioning of local telephone service at reasonable rates. To accomplish this, pricing relationships between incumbents and entrants must allow effective entry without going below the incumbent's real costs.

The Department anticipates such analyses will involve at least the following tasks:

1. Evaluate incumbents (e.g. US WEST, GTE, Frontier, and Sprint/United) and new entrant (e.g. AT&T, MCI, MFS, etc.) network architecture, interconnection, unbundling, resale proposals, resale services and service elements, pricing, and interim number portability arrangements, and mechanisms for cost recovery. In addition, an evaluation of the incumbent's and entrant's state and federal universal service obligations is required.
2. Determine reasonable wholesale and retail prices of any services currently provided by the incumbent at retail.
3. Evaluate interconnection proposals of incumbents to ensure maintenance of the Minnesota Public Utilities Commission's (Commission) quality service standards.
4. Evaluate US WEST's position in any section 271 proceeding under the Telecommunications Act of 1996.
5. Evaluate the effect on US WEST customers as a result of the sale of Bellcore.

The contract will entail completion of one or more of the tasks described below. As the Commission's implementation of the Telecommunication Act of 1996, to be codified at 47 *United States Code* §151 et seq., proceeds, the Department will identify which of the tasks are to be performed and company position to be analyzed. For this reason, submissions in response to this Request for Proposals (RFP) should itemize the hours required for each task and each component of a given task. For example, to complete these tasks, the consultant would be responsible for performing the following:

1. Reviewing the information provided by LECs and new entrants in their petitions and replies or other filings and in response to information requests by the parties.
2. Developing information requests to obtain all necessary information.
3. Determine TELRIC costs for network elements in one or more Commission-initiated proceedings.
4. Determine avoided costs for resale of services at wholesale rates in one or more Commission-initiated proceedings.
5. Working closely with designated members of the Department in all states of the project to assure compliance with the tasks identified by the Department. Department staff will assist the consultant, as necessary, in obtaining required information. The consultant will provide the designated staff with progress reports as requested by staff and as required by the arbitration and other contested case schedules set by the Administrative Law Judge (ALJ) or the Commission.
6. Provide written reports for each proceeding as required, setting out the issues and the consultant's analysis and recommendations. Include detailed changes if necessary. Prepare written testimony explaining and advocating the recommendations developed in the reports. All documentation used by the consultant in making this evaluation shall be provided to the Department.
7. Prepare rebuttal and surrebuttal testimony as required on any issues related to the report's findings and recommendations.

Professional, Technical & Consulting Contracts

8. Provide testimony in arbitration hearings and other proceedings on behalf of the Department, as scheduled by the ALJs or Commission.
9. Assist the Department in the cross-examination of other witnesses.
10. Assist Department counsel in preparing briefs, oral arguments and with responding to related issues developed in the testimony.

The consultant may propose additional tasks or activities if they would substantially improve the ability of the consultant to advocate its recommendations in evidentiary proceedings or document preparation.

IV. Proposal Contents

In its response to this RFP, the contractor should, at a minimum, include the following information:

1. The contractor's background and experience in these matters.
2. A restatement of the objectives and tasks embodied by the project to demonstrate the contractor's understanding of the proposal.
3. An identification of the personnel who will perform each task, their training and experience. No change in personnel assigned to this project will be permitted without prior approval of the Department. The contractor must, in the event an evidentiary proceeding is conducted subsequent to the preparation of the report, provide a qualified individual (under separate contract), experienced and knowledgeable in the topic, to sponsor expert testimony consistent with the report and to participate in any proceedings(s).
4. A detailed work plan that identifies in specific terms all the tasks to be performed to fulfill the obligations of the tasks as enumerated in III. B. above, and cost estimates associated with each of the proposed activities.
5. Copies of recently delivered testimony, studies or reports regarding the issue(s) described above.

V. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Demonstrated understanding of the project objectives.
2. Recognition of issues and specific proposals by which to accomplish tasks.
3. Project work detail.
4. Project cost detail.
5. Qualifications and experience of both contractor/firm and personnel (experience of project personnel will be given greater weight than that of the firm).

VI. Submission of Proposals

Responses to this RFP are due on or before 4:00 PM, December 16, 1996. Please include two (2) copies of your response to:

Ms. JoAnn S. Hanson
Assistant Commissioner - Telecommunications
Minnesota Department of Public Service
121 7th Place East - Suite 200
St. Paul, Minnesota 55101-2145
612/297-7538

In accordance with *Minnesota Statutes* §363.073, any proposal in excess of \$50,000 from a company who has had, during the past year, 20 or more full-time employees in Minnesota, must furnish evidence that the company has received a Certificate of Compliance from the Minnesota Department of Human Rights. Acceptable evidence includes a copy of the Certificate of Compliance, or a notarized statement from an officer of the company that the company has a Certificate of Compliance.

Late proposals will not be accepted. Each proposal must be signed in ink by an authorized member of the firm. Proposals are to be sealed in mailing envelopes or packages with the consultant's name and address clearly written on the outside. Prices and terms of the proposal(s) must be valid for the length of the project. Prospective respondents with questions concerning this RFP should contact Ms. Hanson. Other Department personnel may not discuss the project before the submission deadline.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

University of Minnesota

Facilities Management

Announcement of New Service Contract System for Owner's Representative Services at the University of Minnesota

The University of Minnesota Facilities Management Department is establishing a Services Contract System for accessing Owner's Representative services for remodeling and new construction projects. The dollar scope for these projects will be from \$100,000 to in excess of \$50,000,000. A packet of information is available to all interested parties that have a core competence in providing Owner's Representative services by calling (612) 624-5765 to provide their name, firm name, address and phone number. The deadline for responding to the information provided by mail in response to your telephone call is *December 13, 1996*.

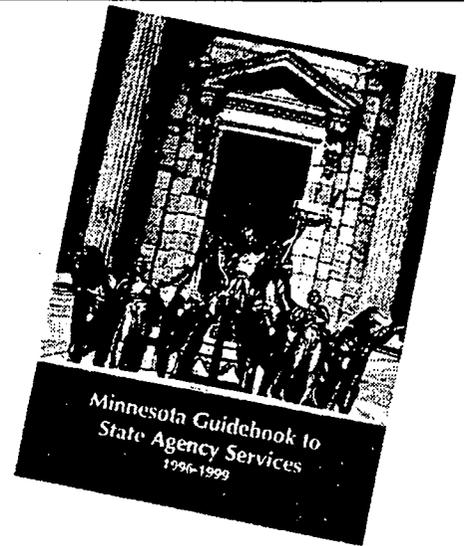
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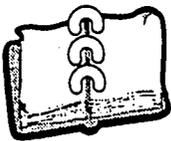
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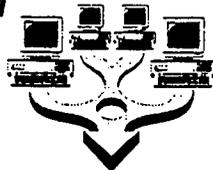
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